

**2018 -- H 7200 SUBSTITUTE A AS AMENDED**

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LC003937/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2018**

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A N A C T

MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL  
YEAR ENDING JUNE 30, 2019

Introduced By: Representative Marvin L. Abney

Date Introduced: January 18, 2018

Referred To: House Finance

(Governor)

It is enacted by the General Assembly as follows:

- 1           ARTICLE 1    RELATING TO MAKING APPROPRIATIONS IN SUPPORT
- 2                            OF FY 2019
- 3           ARTICLE 2    RELATING TO STATE FUNDS
- 4           ARTICLE 3    RELATING TO GOVERNMENT REFORM
- 5           ARTICLE 4    RELATING TO TAXES AND REVENUE
- 6           ARTICLE 5    RELATING TO CAPITAL DEVELOPMENT PROGRAM
- 7           ARTICLE 6    RELATING TO RHODE ISLAND PUBLIC RAIL CORPORATION
- 8           ARTICLE 7    RELATING TO FEES
- 9           ARTICLE 8    RELATING TO MOTOR VEHICLES
- 10          ARTICLE 9    RELATING TO SCHOOL CONSTRUCTION AND EDUCATION
- 11          ARTICLE 10   RELATING TO MAKING REVISED APPROPRIATIONS IN
- 12                            SUPPORT OF FY 2018
- 13          ARTICLE 11   RELATING TO WORKFORCE DEVELOPMENT
- 14          ARTICLE 12   RELATING TO ECONOMIC DEVELOPMENT
- 15          ARTICLE 13   RELATING TO MEDICAL ASSISTANCE
- 16          ARTICLE 14   RELATING TO THE EDWARD O. HAWKINS AND THOMAS C.
- 17                            SLATER MEDICAL MARIJUANA ACT
- 18          ARTICLE 15   RELATING TO CHILDREN AND FAMILIES

- 1           ARTICLE 16   RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS
- 2           ARTICLE 17   RELATING TO EFFECTIVE DATE

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LC003937/SUB A  
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**ARTICLE 1 AS AMENDED**

RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2019

SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained in this act, the following general revenue amounts are hereby appropriated out of any money in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30, 2019. The amounts identified for federal funds and restricted receipts shall be made available pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the purposes and functions hereinafter mentioned, the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums or such portions thereof as may be required from time to time upon receipt by him or her of properly authenticated vouchers.

**Administration**

*Central Management*

|                  |           |
|------------------|-----------|
| General Revenues | 2,735,330 |
|------------------|-----------|

*Legal Services*

|                  |           |
|------------------|-----------|
| General Revenues | 2,424,062 |
|------------------|-----------|

*Accounts and Control*

|                  |           |
|------------------|-----------|
| General Revenues | 5,345,087 |
|------------------|-----------|

|   |         |
|---|---------|
| Restricted Receipts – OPEB Board Administration | 225,295 |
|---|---------|

|                              |           |
|------------------------------|-----------|
| Total – Accounts and Control | 5,570,382 |
|------------------------------|-----------|

*Office of Management and Budget*

|                  |           |
|------------------|-----------|
| General Revenues | 9,011,679 |
|------------------|-----------|

Of this funding, \$300,000 is to support a data analytics pilot that will demonstrate the value of merged data across multiple agency systems to furthering the mission of the department of children, youth and families.

|                     |         |
|---------------------|---------|
| Restricted Receipts | 300,046 |
|---------------------|---------|

|             |           |
|-------------|-----------|
| Other Funds | 1,222,835 |
|-------------|-----------|

|   |            |
|---|------------|
| Total – Office of Management and Budget | 10,534,560 |
|---|------------|

*Purchasing*

|                  |           |
|------------------|-----------|
| General Revenues | 2,888,826 |
|------------------|-----------|

|                     |         |
|---------------------|---------|
| Restricted Receipts | 540,000 |
|---------------------|---------|

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|----|--|------------|
| 1  | Other Funds  | 463,729    |
| 2  | Total – Purchasing   | 3,892,555  |
| 3  | <i>Human Resources</i>   |            |
| 4  | General Revenues   | 1,274,257  |
| 5  | <i>Personnel Appeal Board</i>  |            |
| 6  | General Revenues   | 149,477    |
| 7  | <i>Information Technology</i>  |            |
| 8  | General Revenues   | 1,470,255  |
| 9  | Federal Funds  | 115,000    |
| 10 | Restricted Receipts  | 10,228,243 |
| 11 | Other Funds  | 88,071     |
| 12 | Total – Information Technology   | 11,901,569 |
| 13 | <i>Library and Information Services</i>  |            |
| 14 | General Revenues   | 1,442,726  |
| 15 | Federal Funds  | 1,213,068  |
| 16 | Restricted Receipts  | 5,500      |
| 17 | Total – Library and Information Services   | 2,661,294  |
| 18 | <i>Planning</i>  |            |
| 19 | General Revenues   | 1,081,887  |
| 20 | Federal Funds  | 15,448     |
| 21 | Other Funds  |            |
| 22 | Air Quality Modeling   | 24,000     |
| 23 | Federal Highway – PL Systems Planning  | 3,654,326  |
| 24 | FTA – Metro Planning Grant   | 1,063,699  |
| 25 | Total – Planning   | 5,839,360  |
| 26 | <i>General</i>   |            |
| 27 | General Revenues   |            |
| 28 | Miscellaneous Grants/Payments  | 130,000    |
| 29 | Provided that this amount be allocated to City Year for the Whole School Whole Child |            |
| 30 | Program, which provides individualized support to at-risk students.                  |            |
| 31 | Torts – Courts/Awards  | 400,000    |
| 32 | State Employees/Teachers Retiree Health Subsidy                                      | 2,321,057  |
| 33 | Resource Sharing and State Library Aid   | 9,362,072  |
| 34 | Library Construction Aid   | 2,176,471  |



|    |  |              |
|----|--|--------------|
| 1  | authorized to make payments for the I-195 Redevelopment District Commission loan up to the |              |
| 2  | maximum debt service due in accordance with the loan agreement.                            |              |
| 3  | Federal Funds  | 1,870,830    |
| 4  | Other Funds  |              |
| 5  | Transportation Debt Service  | 40,022,948   |
| 6  | Investment Receipts – Bond Funds   | 100,000      |
| 7  | Total - Debt Service Payments  | 182,679,939  |
| 8  | <i>Energy Resources</i>  |              |
| 9  | Federal Funds  | 524,820      |
| 10 | Restricted Receipts  | 8,179,192    |
| 11 | Total – Energy Resources   | 8,704,012    |
| 12 | <i>Rhode Island Health Benefits Exchange</i>   |              |
| 13 | General Revenues   | 2,363,841    |
| 14 | Federal Funds  | 138,089      |
| 15 | Restricted Receipts  | 6,419,415    |
| 16 | Total – Rhode Island Health Benefits Exchange  | 8,921,345    |
| 17 | <i>Office of Diversity, Equity &amp; Opportunity</i>                                       |              |
| 18 | General Revenues   | 1,280,050    |
| 19 | Other Funds  | 113,530      |
| 20 | Total – Office of Diversity, Equity & Opportunity  | 1,393,580    |
| 21 | <i>Capital Asset Management and Maintenance</i>  |              |
| 22 | General Revenues   | 10,621,701   |
| 23 | <i>Statewide Savings Initiatives</i>   |              |
| 24 | General Revenues   |              |
| 25 | Workers’ Compensation  | (1,500,000)  |
| 26 | Fraud and Waste Detection  | (9,634,559)  |
| 27 | Expand Prompt Payment  | (350,000)    |
| 28 | Strategic/Contract Sourcing  | (1,000,000)  |
| 29 | Efficiency Savings   | (3,700,000)  |
| 30 | Insurance Saving   | (3,000,000)  |
| 31 | Salaries and Benefits  | (900,000)    |
| 32 | Total – Statewide Savings Initiative   | (20,084,559) |
| 33 | Grand Total – Administration   | 284,663,464  |
| 34 | <b>Business Regulation</b>   |              |

|    |   |            |
|----|---|------------|
| 1  | <i>Central Management</i>                           |            |
| 2  | General Revenues                                    | 2,396,826  |
| 3  | <i>Banking Regulation</i>                           |            |
| 4  | General Revenues                                    | 1,760,317  |
| 5  | Restricted Receipts                                 | 75,000     |
| 6  | Total – Banking Regulation                          | 1,835,317  |
| 7  | <i>Securities Regulation</i>                        |            |
| 8  | General Revenues                                    | 1,015,879  |
| 9  | Restricted Receipts                                 | 15,000     |
| 10 | Total – Securities Regulation                       | 1,030,879  |
| 11 | <i>Insurance Regulation</i>                         |            |
| 12 | General Revenues                                    | 3,971,607  |
| 13 | Restricted Receipts                                 | 1,994,860  |
| 14 | Total – Insurance Regulation                        | 5,966,467  |
| 15 | <i>Office of the Health Insurance Commissioner</i>  |            |
| 16 | General Revenues                                    | 1,669,562  |
| 17 | Federal Funds                                       | 513,791    |
| 18 | Restricted Receipts                                 | 234,507    |
| 19 | Total – Office of the Health Insurance Commissioner | 2,417,860  |
| 20 | <i>Board of Accountancy</i>                         |            |
| 21 | General Revenues                                    | 6,000      |
| 22 | <i>Commercial Licensing, Racing &amp; Athletics</i> |            |
| 23 | General Revenues                                    | 955,251    |
| 24 | Restricted Receipts                                 | 1,925,146  |
| 25 | Total – Commercial Licensing, Racing & Athletics    | 2,880,397  |
| 26 | <i>Building, Design and Fire Professionals</i>      |            |
| 27 | General Revenues                                    | 5,655,015  |
| 28 | Federal Funds                                       | 378,840    |
| 29 | Restricted Receipts                                 | 1,875,299  |
| 30 | Other Funds   |            |
| 31 | Quonset Development Corporation                     | 66,497     |
| 32 | Total – Building, Design and Fire Professionals     | 7,975,651  |
| 33 | Grand Total – Business Regulation                   | 24,509,397 |
| 34 | <b>Executive Office of Commerce</b>                 |            |

|    |   |            |
|----|---|------------|
| 1  | <i>Central Management</i>   |            |
| 2  | General Revenues  | 839,457    |
| 3  | <i>Housing and Community Development</i>  |            |
| 4  | General Revenues  | 923,204    |
| 5  | Federal Funds   | 14,445,458 |
| 6  | Restricted Receipts   | 4,754,319  |
| 7  | Total – Housing and Community Development   | 20,122,981 |
| 8  | <i>Quasi–Public Appropriations</i>  |            |
| 9  | General Revenues  |            |
| 10 | Rhode Island Commerce Corporation   | 7,474,514  |
| 11 | Airport Impact Aid  | 1,025,000  |
| 12 | Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be             |            |
| 13 | distributed to each airport serving more than 1,000,000 passengers based upon its percentage of the   |            |
| 14 | total passengers served by all airports serving more the 1,000,000 passengers. Forty percent (40%)    |            |
| 15 | of the first \$1,000,000 shall be distributed based on the share of landings during the calendar year |            |
| 16 | 2018 at North Central Airport, Newport-Middletown Airport, Block Island Airport, Quonset              |            |
| 17 | Airport, T.F. Green Airport and Westerly Airport, respectively. The Rhode Island Commerce             |            |
| 18 | Corporation shall make an impact payment to the towns or cities in which the airport is located       |            |
| 19 | based on this calculation. Each community upon which any parts of the above airports are located      |            |
| 20 | shall receive at least \$25,000.  |            |
| 21 | STAC Research Alliance  | 900,000    |
| 22 | Innovative Matching Grants/Internships  | 1,000,000  |
| 23 | I-195 Redevelopment District Commission   | 761,000    |
| 24 | Chafee Center at Bryant   | 476,200    |
| 25 | Polaris Manufacturing Grant   | 350,000    |
| 26 | Urban Ventures Grant  | 140,000    |
| 27 | Other Funds   |            |
| 28 | Rhode Island Capital Plan Funds   |            |
| 29 | I-195 Commission  | 300,000    |
| 30 | Quonset Piers   | 2,660,000  |
| 31 | Quonset Point Infrastructure  | 4,000,000  |
| 32 | Total – Quasi–Public Appropriations   | 19,086,714 |
| 33 | <i>Economic Development Initiatives Fund</i>  |            |
| 34 | General Revenues  |            |

|    |   |            |
|----|---|------------|
| 1  | Innovation Initiative   | 1,000,000  |
| 2  | I-195 Redevelopment Fund  | 1,000,000  |
| 3  | Rebuild RI Tax Credit Fund  | 11,200,000 |
| 4  | Competitive Cluster Grants  | 100,000    |
| 5  | Main Street RI Streetscape  | 500,000    |
| 6  | P-tech  | 200,000    |
| 7  | Small Business Promotion  | 300,000    |
| 8  | Total – Economic Development Initiatives Fund   | 14,300,000 |
| 9  | <i>Commerce Programs</i>  |            |
| 10 | General Revenues  |            |
| 11 | Wavemaker Fellowship  | 1,600,000  |
| 12 | Air Service Development Fund  | 500,000    |
| 13 | Total – Commerce Programs   | 2,100,000  |
| 14 | Grand Total – Executive Office of Commerce  | 56,449,152 |
| 15 | <b>Labor and Training</b>   |            |
| 16 | <i>Central Management</i>   |            |
| 17 | General Revenues  | 722,892    |
| 18 | Restricted Receipts   | 176,511    |
| 19 | Other Funds   |            |
| 20 | Rhode Island Capital Plan Funds   |            |
| 21 | Center General Asset Protection   | 1,250,000  |
| 22 | Total – Central Management  | 2,149,403  |
| 23 | <i>Workforce Development Services</i>   |            |
| 24 | General Revenues  | 6,277,198  |
| 25 | Provided that \$100,000 be allocated to support the Opportunities Industrialization Center. |            |
| 26 | Federal Funds   | 20,986,909 |
| 27 | Restricted Receipts   | 27,861,627 |
| 28 | Other Funds   | 139,261    |
| 29 | Total – Workforce Development Services  | 55,264,995 |
| 30 | <i>Workforce Regulation and Safety</i>  |            |
| 31 | General Revenues  | 3,110,964  |
| 32 | <i>Income Support</i>   |            |
| 33 | General Revenues  | 3,939,754  |
| 34 | Federal Funds   | 19,766,914 |

|    |                                     |             |
|----|-------------------------------------|-------------|
| 1  | Restricted Receipts                 | 1,980,642   |
| 2  | Other Funds                         |             |
| 3  | Temporary Disability Insurance Fund | 203,411,107 |
| 4  | Employment Security Fund            | 159,220,000 |
| 5  | Total – Income Support              | 388,318,417 |
| 6  | <i>Injured Workers Services</i>     |             |
| 7  | Restricted Receipts                 | 8,956,311   |
| 8  | <i>Labor Relations Board</i>        |             |
| 9  | General Revenues                    | 414,147     |
| 10 | Grand Total – Labor and Training    | 458,214,237 |
| 11 | <b>Department of Revenue</b>        |             |
| 12 | <i>Director of Revenue</i>          |             |
| 13 | General Revenues                    | 2,122,802   |
| 14 | <i>Office of Revenue Analysis</i>   |             |
| 15 | General Revenues                    | 905,219     |
| 16 | <i>Lottery Division</i>             |             |
| 17 | Other Funds                         | 400,184,045 |
| 18 | <i>Municipal Finance</i>            |             |
| 19 | General Revenues                    | 2,815,457   |
| 20 | <i>Taxation</i>                     |             |
| 21 | General Revenues                    | 27,523,727  |
| 22 | Federal Funds                       | 1,912,976   |
| 23 | Restricted Receipts                 | 627,411     |
| 24 | Other Funds                         |             |
| 25 | Motor Fuel Tax Evasion              | 173,651     |
| 26 | Temporary Disability Insurance Fund | 670,661     |
| 27 | Total – Taxation                    | 30,908,426  |
| 28 | <i>Registry of Motor Vehicles</i>   |             |
| 29 | General Revenues                    | 30,009,103  |
| 30 | Federal Funds                       | 196,489     |
| 31 | Restricted Receipts                 | 514,763     |
| 32 | Total – Registry of Motor Vehicles  | 30,720,355  |
| 33 | <i>State Aid</i>                    |             |
| 34 | General Revenues                    |             |

|    |   |             |
|----|---|-------------|
| 1  | Distressed Communities Relief Fund  | 12,384,458  |
| 2  | Payment in Lieu of Tax Exempt Properties  | 46,089,504  |
| 3  | Motor Vehicle Excise Tax Payments   | 54,748,948  |
| 4  | Property Revaluation Program  | 1,630,534   |
| 5  | Restricted Receipts   | 922,013     |
| 6  | Total – State Aid   | 115,775,457 |
| 7  | <i>Collections</i>  |             |
| 8  | General Revenues  | 601,755     |
| 9  | Grand Total – Revenue   | 584,033,516 |
| 10 | <b>Legislature</b>  |             |
| 11 | General Revenues  | 43,691,627  |
| 12 | Restricted Receipts   | 1,720,695   |
| 13 | Grand Total – Legislature   | 45,412,322  |
| 14 | <b>Lieutenant Governor</b>  |             |
| 15 | General Revenues  | 1,114,597   |
| 16 | <b>Secretary of State</b>   |             |
| 17 | <i>Administration</i>   |             |
| 18 | General Revenues  | 3,326,174   |
| 19 | <i>Corporations</i>   |             |
| 20 | General Revenues  | 2,318,968   |
| 21 | <i>State Archives</i>   |             |
| 22 | General Revenues  | 91,577      |
| 23 | Restricted Receipts   | 415,658     |
| 24 | Total – State Archives  | 507,235     |
| 25 | <i>Elections and Civics</i>   |             |
| 26 | General Revenues  | 2,893,047   |
| 27 | Federal Funds   | 1,983,770   |
| 28 | Total – Elections and Civics  | 4,876,817   |
| 29 | <i>State Library</i>  |             |
| 30 | General Revenues  | 623,911     |
| 31 | Provided that \$125,000 be allocated to support the Rhode Island Historical Society           |             |
| 32 | pursuant to Rhode Island General Law, Section 29-2-1 and \$18,000 be allocated to support the |             |
| 33 | Newport Historical Society, pursuant to Rhode Island General Law, Section 29-2-2.             |             |
| 34 | <i>Office of Public Information</i>   |             |

|    |   |            |
|----|---|------------|
| 1  | General Revenues                            | 622,057    |
| 2  | Receipted Receipts                          | 25,000     |
| 3  | Total – Office of Public Information        | 647,057    |
| 4  | Grand Total – Secretary of State            | 12,300,162 |
| 5  | <b>General Treasurer</b>                    |            |
| 6  | <i>Treasury</i>                             |            |
| 7  | General Revenues                            | 2,684,367  |
| 8  | Federal Funds                               | 304,542    |
| 9  | Other Funds                                 |            |
| 10 | Temporary Disability Insurance Fund         | 275,471    |
| 11 | Tuition Savings Program – Administration    | 379,213    |
| 12 | Total –Treasury                             | 3,643,593  |
| 13 | <i>State Retirement System</i>              |            |
| 14 | Restricted Receipts                         |            |
| 15 | Admin Expenses – State Retirement System    | 9,571,688  |
| 16 | Retirement – Treasury Investment Operations | 1,672,096  |
| 17 | Defined Contribution – Administration       | 115,436    |
| 18 | Total – State Retirement System             | 11,359,220 |
| 19 | <i>Unclaimed Property</i>                   |            |
| 20 | Restricted Receipts                         | 26,030,095 |
| 21 | <i>Crime Victim Compensation Program</i>    |            |
| 22 | General Revenues                            | 289,409    |
| 23 | Federal Funds                               | 770,332    |
| 24 | Restricted Receipts                         | 1,029,931  |
| 25 | Total – Crime Victim Compensation Program   | 2,089,672  |
| 26 | Grand Total – General Treasurer             | 43,122,580 |
| 27 | <b>Board of Elections</b>                   |            |
| 28 | General Revenues                            | 5,252,516  |
| 29 | <b>Rhode Island Ethics Commission</b>       |            |
| 30 | General Revenues                            | 1,812,237  |
| 31 | <b>Office of Governor</b>                   |            |
| 32 | General Revenues                            |            |
| 33 | General Revenues                            | 5,433,047  |
| 34 | Contingency Fund                            | 200,000    |

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|----|--|-------------|
| 1  | Grand Total – Office of Governor           | 5,633,047   |
| 2  | <b>Commission for Human Rights</b>         |             |
| 3  | General Revenues                           | 1,335,441   |
| 4  | Federal Funds                              | 497,570     |
| 5  | Grand Total – Commission for Human Rights  | 1,833,011   |
| 6  | <b>Public Utilities Commission</b>         |             |
| 7  | Federal Funds                              | 168,378     |
| 8  | Restricted Receipts                        | 9,766,453   |
| 9  | Grand Total – Public Utilities Commission  | 9,934,831   |
| 10 | <b>Office of Health and Human Services</b> |             |
| 11 | <i>Central Management</i>                  |             |
| 12 | General Revenues                           | 28,659,176  |
| 13 | Federal Funds                              | 98,508,590  |
| 14 | Restricted Receipts                        | 9,221,720   |
| 15 | Total – Central Management                 | 136,389,486 |
| 16 | <i>Medical Assistance</i>                  |             |
| 17 | General Revenues                           |             |
| 18 | Managed Care                               | 316,380,054 |
| 19 | Hospitals                                  | 91,253,980  |
| 20 | Nursing Facilities                         | 149,372,355 |
| 21 | Home and Community Based Services          | 36,487,025  |
| 22 | Other Services                             | 78,332,067  |
| 23 | Pharmacy                                   | 66,044,749  |
| 24 | Rhody Health                               | 216,386,666 |
| 25 | Federal Funds                              |             |
| 26 | Managed Care                               | 415,765,169 |
| 27 | Hospitals                                  | 99,915,600  |
| 28 | Nursing Facilities                         | 164,434,062 |
| 29 | Home and Community Based Services          | 46,017,690  |
| 30 | Other Services                             | 504,413,668 |
| 31 | Pharmacy                                   | (576,541)   |
| 32 | Rhody Health                               | 234,283,925 |
| 33 | Other Programs                             | 43,038,580  |
| 34 | Restricted Receipts                        | 9,024,205   |

|    |   |               |
|----|---|---------------|
| 1  | Total – Medical Assistance                        | 2,470,573,254 |
| 2  | Grand Total – Office of Health and Human Services | 2,606,962,740 |
| 3  | <b>Children, Youth, and Families</b>              |               |
| 4  | <i>Central Management</i>                         |               |
| 5  | General Revenues                                  | 8,783,677     |
| 6  | Federal Funds                                     | 4,407,612     |
| 7  | Total – Central Management                        | 13,191,289    |
| 8  | <i>Children's Behavioral Health Services</i>      |               |
| 9  | General Revenues                                  | 6,944,545     |
| 10 | Federal Funds                                     | 5,713,527     |
| 11 | Total – Children's Behavioral Health Services     | 12,658,072    |
| 12 | <i>Juvenile Correctional Services</i>             |               |
| 13 | General Revenues                                  | 26,117,243    |
| 14 | Federal Funds                                     | 275,099       |
| 15 | Other Funds                                       |               |
| 16 | Rhode Island Capital Plan Funds                   |               |
| 17 | Training School Maintenance                       | 1,900,000     |
| 18 | Total – Juvenile Correctional Services            | 28,292,342    |
| 19 | <i>Child Welfare</i>                              |               |
| 20 | General Revenues                                  |               |
| 21 | General Revenues                                  | 108,270,158   |
| 22 | 18 to 21 Year Olds                                | 11,298,418    |
| 23 | Federal Funds                                     |               |
| 24 | Federal Funds                                     | 49,098,320    |
| 25 | 18 to 21 Year Olds                                | 2,235,633     |
| 26 | Restricted Receipts                               | 2,674,422     |
| 27 | Total – Child Welfare                             | 173,576,951   |
| 28 | <i>Higher Education Incentive Grants</i>          |               |
| 29 | General Revenues                                  | 200,000       |
| 30 | Grand Total – Children, Youth, and                |               |
| 31 | Families  | 227,918,654   |
| 32 | <b>Health</b>                                     |               |
| 33 | <i>Central Management</i>                         |               |
| 34 | General Revenues                                  | 2,096,306     |

|    |  |             |
|----|--|-------------|
| 1  | Federal Funds  | 4,028,206   |
| 2  | Restricted Receipts  | 6,195,273   |
| 3  | Total – Central Management   | 12,319,785  |
| 4  | <i>Community Health and Equity</i>   |             |
| 5  | General Revenues   | 638,372     |
| 6  | Federal Funds  | 67,974,042  |
| 7  | Restricted Receipts  | 35,134,450  |
| 8  | Total – Community Health and Equity  | 103,746,864 |
| 9  | <i>Environmental Health</i>  |             |
| 10 | General Revenues   | 5,689,928   |
| 11 | Federal Funds  | 7,230,008   |
| 12 | Restricted Receipts  | 353,936     |
| 13 | Total – Environmental Health   | 13,273,872  |
| 14 | <i>Health Laboratories and Medical Examiner</i>                            |             |
| 15 | General Revenues   | 10,470,418  |
| 16 | Federal Funds  | 2,108,567   |
| 17 | Total – Health Laboratories and Medical Examiner                           | 12,578,985  |
| 18 | <i>Customer Services</i>   |             |
| 19 | General Revenues   | 7,046,195   |
| 20 | Federal Funds  | 3,763,691   |
| 21 | Restricted Receipts  | 1,308,693   |
| 22 | Total – Customer Services  | 12,118,579  |
| 23 | <i>Policy, Information and Communications</i>                              |             |
| 24 | General Revenues   | 1,046,839   |
| 25 | Federal Funds  | 2,701,982   |
| 26 | Restricted Receipts  | 941,305     |
| 27 | Total – Policy, Information and Communications                             | 4,690,126   |
| 28 | <i>Preparedness, Response, Infectious Disease &amp; Emergency Services</i> |             |
| 29 | General Revenues   | 1,975,771   |
| 30 | Federal Funds  | 13,407,707  |
| 31 | Total – Preparedness, Response, Infectious Disease &                       |             |
| 32 | Emergency Services   | 15,383,478  |
| 33 | Grand Total - Health   | 174,111,689 |
| 34 | <b>Human Services</b>  |             |

|    |  |             |
|----|--|-------------|
| 1  | <i>Central Management</i>  |             |
| 2  | General Revenues   | 4,147,933   |
| 3  | Of this amount, \$300,000 is to support the Domestic Violence Prevention Fund to provide           |             |
| 4  | direct services through the Coalition Against Domestic Violence, \$250,000 is to support Project   |             |
| 5  | Reach activities provided by the RI Alliance of Boys and Girls Club, \$217,000 is for outreach and |             |
| 6  | supportive services through Day One, \$175,000 is for food collection and distribution through the |             |
| 7  | Rhode Island Community Food Bank, \$500,000 for services provided to the homeless at Crossroad     |             |
| 8  | Rhode Island, and \$520,000 for the Community Action Fund and \$200,000 for the Institute for the  |             |
| 9  | Study and Practice of Nonviolence's Reduction Strategy.  |             |
| 10 | Federal Funds  | 4,398,686   |
| 11 | Restricted Receipts  | 105,606     |
| 12 | Total – Central Management   | 8,652,225   |
| 13 | <i>Child Support Enforcement</i>   |             |
| 14 | General Revenues   | 1,956,875   |
| 15 | Federal Funds  | 8,050,859   |
| 16 | Total – Child Support Enforcement  | 10,007,734  |
| 17 | <i>Individual and Family Support</i>   |             |
| 18 | General Revenues   | 22,530,162  |
| 19 | Federal Funds  | 106,111,888 |
| 20 | Restricted Receipts  | 7,422,660   |
| 21 | Other Funds  |             |
| 22 | Food Stamp Bonus Funding   | 170,000     |
| 23 | Intermodal Surface Transportation Fund   | 4,428,478   |
| 24 | Rhode Island Capital Plan Funds  |             |
| 25 | Blind Vending Facilities   | 165,000     |
| 26 | Total – Individual and Family Support  | 140,828,188 |
| 27 | <i>Office of Veterans' Affairs</i>   |             |
| 28 | General Revenues   | 23,558,301  |
| 29 | Of this amount, \$200,000 to provide support services through Veterans' Organizations.             |             |
| 30 | Federal Funds  | 9,552,957   |
| 31 | Restricted Receipts  | 1,313,478   |
| 32 | Total – Office of Veterans' Affairs  | 34,424,736  |
| 33 | <i>Health Care Eligibility</i>   |             |
| 34 | General Revenues   | 6,072,355   |

|    |  |             |
|----|--|-------------|
| 1  | Federal Funds  | 9,392,121   |
| 2  | Total – Health Care Eligibility  | 15,464,476  |
| 3  | <i>Supplemental Security Income Program</i>  |             |
| 4  | General Revenues   | 20,022,000  |
| 5  | <i>Rhode Island Works</i>  |             |
| 6  | General Revenues   | 10,669,986  |
| 7  | Federal Funds  | 88,576,267  |
| 8  | Total – Rhode Island Works   | 99,246,253  |
| 9  | <i>Other Programs</i>  |             |
| 10 | General Revenues   | 1,183,880   |
| 11 | Of this appropriation, \$90,000 shall be used for hardship contingency payments.                 |             |
| 12 | Federal Funds  | 282,130,537 |
| 13 | Total – Other Programs   | 283,314,417 |
| 14 | <i>Elderly Affairs</i>   |             |
| 15 | General Revenues   | 7,858,293   |
| 16 | Of this amount, \$140,000 to provide elder services, including respite, through the Diocese      |             |
| 17 | of Providence, \$40,000 for ombudsman services provided by the Alliance for Long Term Care in    |             |
| 18 | accordance with Rhode Island General Law, Chapter 42-66.7, \$85,000 for security for housing for |             |
| 19 | the elderly in accordance with Rhode Island General Law, Section 42-66.1-3, \$800,000 for Senior |             |
| 20 | Services Support and \$580,000 for elderly nutrition, of which \$530,000 is for Meals on Wheels. |             |
| 21 | Federal Funds  | 12,857,529  |
| 22 | Restricted Receipts  | 154,808     |
| 23 | Total – Elderly Affairs  | 20,870,630  |
| 24 | Grand Total – Human Services   | 632,830,659 |
| 25 | <b>Behavioral Healthcare, Developmental Disabilities, and Hospitals</b>                          |             |
| 26 | <i>Central Management</i>  |             |
| 27 | General Revenues   | 1,975,017   |
| 28 | Federal Funds  | 734,643     |
| 29 | Total – Central Management   | 2,709,660   |
| 30 | <i>Hospital and Community System Support</i>   |             |
| 31 | General Revenues   | 2,614,415   |
| 32 | Other Funds  |             |
| 33 | Rhode Island Capital Plan Funds  |             |
| 34 | Medical Center Rehabilitation  | 300,000     |

|    |  |             |
|----|--|-------------|
| 1  | Total – Hospital and Community System Support  | 2,914,415   |
| 2  | <i>Services for the Developmentally Disabled</i>   |             |
| 3  | General Revenues   | 126,318,720 |
| 4  | Of this funding, \$750,000 is to support technical and other assistance for community based agencies |             |
| 5  | to ensure they transition to providing integrated services to adults with developmental disabilities |             |
| 6  | that comply with the consent decree.   |             |
| 7  | Federal Funds  | 142,876,019 |
| 8  | Of this funding, \$791,307 is to support technical and other assistance for community based agencies |             |
| 9  | to ensure they transition to providing integrated services to adults with developmental disabilities |             |
| 10 | that comply with the consent decree.   |             |
| 11 | Restricted Receipts  | 1,419,750   |
| 12 | Other Funds  |             |
| 13 | Rhode Island Capital Plan Funds  |             |
| 14 | DD Private Waiver Fire Code  | 100,000     |
| 15 | Regional Center Repair/Rehabilitation  | 300,000     |
| 16 | Community Facilities Fire Code   | 200,000     |
| 17 | MR Community Facilities/Access to Independence   | 500,000     |
| 18 | Total – Services for the Developmentally Disabled  | 271,714,489 |
| 19 | <i>Behavioral Healthcare Services</i>  |             |
| 20 | General Revenues   | 3,610,316   |
| 21 | Federal Funds  | 23,493,261  |
| 22 | Of this federal funding, \$900,000 shall be expended on the Municipal Substance Abuse                |             |
| 23 | Task Forces and \$128,000 shall be expended on NAMI of RI. Also included is \$250,000 from           |             |
| 24 | Social Services Block Grant funds to be provided to The Providence Center to coordinate with         |             |
| 25 | Oasis Wellness and Recovery Center for its supports and services program offered to individuals      |             |
| 26 | with behavioral health issues.   |             |
| 27 | Restricted Receipts  | 100,000     |
| 28 | Other Funds  |             |
| 29 | Rhode Island Capital Plan Funds  |             |
| 30 | MH Community Facilities Repair   | 200,000     |
| 31 | Substance Abuse Asset Protection   | 200,000     |
| 32 | Total – Behavioral Healthcare Services   | 27,603,577  |
| 33 | <i>Hospital and Community Rehabilitative Services</i>  |             |
| 34 | General Revenues   | 53,573,498  |

|    |  |             |
|----|--|-------------|
| 1  | Federal Funds  | 59,083,644  |
| 2  | Restricted Receipts  | 3,552,672   |
| 3  | Other Funds  |             |
| 4  | Rhode Island Capital Plan Funds  |             |
| 5  | Zambarano Buildings and Utilities  | 250,000     |
| 6  | Eleanor Slater Administrative Buildings Renovation   | 250,000     |
| 7  | MR Community Facilities  | 500,000     |
| 8  | Hospital Equipment   | 300,000     |
| 9  | Total - Hospital and Community Rehabilitative Services   | 117,509,814 |
| 10 | Grand Total – Behavioral Healthcare, Developmental   |             |
| 11 | Disabilities, and Hospitals  | 422,451,955 |
| 12 | <b>Office of the Child Advocate</b>  |             |
| 13 | General Revenues   | 969,922     |
| 14 | Federal Funds  | 226,041     |
| 15 | Grand Total – Office of the Child Advocate   | 1,195,963   |
| 16 | <b>Commission on the Deaf and Hard of Hearing</b>  |             |
| 17 | General Revenues   | 523,178     |
| 18 | Restricted Receipts  | 80,000      |
| 19 | Grand Total – Comm. On Deaf and Hard of Hearing  | 603,178     |
| 20 | <b>Governor’s Commission on Disabilities</b>   |             |
| 21 | General Revenues   |             |
| 22 | General Revenues   | 502,537     |
| 23 | Livable Home Modification Grant Program  | 500,000     |
| 24 | Provided that this will be used for home modification and accessibility enhancements to construct,   |             |
| 25 | retrofit, and/or renovate residences to allow individuals to remain in community settings. This will |             |
| 26 | be in consultation with the Executive Office of Health and Human Services.                           |             |
| 27 | Federal Funds  | 335,167     |
| 28 | Restricted Receipts  | 49,571      |
| 29 | Total – Governor’s Commission on Disabilities  | 1,387,275   |
| 30 | <b>Office of the Mental Health Advocate</b>  |             |
| 31 | General Revenues   | 653,260     |
| 32 | <b>Elementary and Secondary Education</b>  |             |
| 33 | <i>Administration of the Comprehensive Education Strategy</i>  |             |
| 34 | General Revenues   | 20,428,256  |

1            Provided that \$90,000 be allocated to support the hospital school at Hasbro Children’s  
 2 Hospital pursuant to Rhode Island General Law, Section 16-7-20 and that \$345,000 be allocated to  
 3 support child opportunity zones through agreements with the Department of Elementary and  
 4 Secondary Education to strengthen education, health and social services for students and their  
 5 families as a strategy to accelerate student achievement.

|    |  |             |
|----|--|-------------|
| 6  | Federal Funds                                    | 212,575,621 |
| 7  | Restricted Receipts                              |             |
| 8  | Restricted Receipts                              | 2,633,393   |
| 9  | HRIC Adult Education Grants                      | 3,500,000   |
| 10 | Total – Admin. of the Comprehensive Ed. Strategy | 239,137,270 |

11 *Davies Career and Technical School*

|    |  |            |
|----|--|------------|
| 12 | General Revenues                           | 13,658,087 |
| 13 | Federal Funds                              | 1,344,928  |
| 14 | Restricted Receipts                        | 3,900,067  |
| 15 | Other Funds                                |            |
| 16 | Rhode Island Capital Plan Funds            |            |
| 17 | Davies HVAC                                | 200,000    |
| 18 | Davies Asset Protection                    | 150,000    |
| 19 | Davies Advanced Manufacturing              | 3,250,000  |
| 20 | Total – Davies Career and Technical School | 22,503,082 |

21 *RI School for the Deaf*

|    |   |           |
|----|---|-----------|
| 22 | General Revenues                          | 6,470,234 |
| 23 | Federal Funds                             | 554,925   |
| 24 | Restricted Receipts                       | 837,032   |
| 25 | Other Funds                               |           |
| 26 | School for the Deaf Transformation Grants | 59,000    |
| 27 | Rhode Island Capital Plan Funds           |           |
| 28 | Asset Protection                          | 50,000    |
| 29 | Total – RI School for the Deaf            | 7,971,191 |

30 *Metropolitan Career and Technical School*

|    |                                 |           |
|----|---------------------------------|-----------|
| 31 | General Revenues                | 9,342,007 |
| 32 | Other Funds                     |           |
| 33 | Rhode Island Capital Plan Funds |           |
| 34 | MET School Asset Protection     | 250,000   |

|    |   |               |
|----|---|---------------|
| 1  | Total – Metropolitan Career and Technical School  | 9,592,007     |
| 2  | <i>Education Aid</i>  |               |
| 3  | General Revenues  | 911,869,976   |
| 4  | Restricted Receipts   | 24,884,884    |
| 5  | Other Funds   |               |
| 6  | Permanent School Fund   | 1,420,000     |
| 7  | Provided that \$300,000 be provided to support the Advanced Coursework Network and                  |               |
| 8  | \$1,120,000 be provided to support the Early Childhood Categorical Fund.                            |               |
| 9  | Total – Education Aid   | 938,174,860   |
| 10 | <i>Central Falls School District</i>  |               |
| 11 | General Revenues  | 40,752,939    |
| 12 | <i>School Construction Aid</i>  |               |
| 13 | General Revenues  |               |
| 14 | School Housing Aid  | 69,448,781    |
| 15 | School Building Authority Fund  | 10,551,219    |
| 16 | Total – School Construction Aid   | 80,000,000    |
| 17 | <i>Teachers' Retirement</i>   |               |
| 18 | General Revenues  | 106,118,409   |
| 19 | Grand Total – Elementary and Secondary Education  | 1,444,249,758 |
| 20 | <b>Public Higher Education</b>  |               |
| 21 | <i>Office of Postsecondary Commissioner</i>   |               |
| 22 | General Revenues  | 16,288,918    |
| 23 | Provided that \$355,000 shall be allocated the Rhode Island College Crusade pursuant to             |               |
| 24 | the Rhode Island General Law, Section 16-70-5 and that \$60,000 shall be allocated to Best Buddies  |               |
| 25 | Rhode Island to support its programs for children with developmental and intellectual disabilities. |               |
| 26 | It is also provided that \$5,995,000 shall be allocated to the Rhode Island Promise Scholarship     |               |
| 27 | program.  |               |
| 28 | Federal Funds   |               |
| 29 | Federal Funds   | 3,524,589     |
| 30 | Guaranty Agency Administration  | 400,000       |
| 31 | Provided that an amount equivalent to not more than ten (10) percent of the guaranty agency         |               |
| 32 | operating fund appropriated for direct scholarship and grants in fiscal year 2019 shall be          |               |
| 33 | appropriated for guaranty agency administration in fiscal year 2019. This limitation                |               |
| 34 | notwithstanding, final appropriations for fiscal year 2019 for guaranty agency administration may   |               |

1 also include any residual monies collected during fiscal year 2019 that relate to guaranty agency  
2 operations, in excess of the foregoing limitation.

|    |   |            |
|----|---|------------|
| 3  | Guaranty Agency Operating Fund-Scholarships & Grants                              | 4,000,000  |
| 4  | Restricted Receipts   | 1,985,385  |
| 5  | Other Funds   |            |
| 6  | Tuition Savings Program – Dual Enrollment   | 1,800,000  |
| 7  | Tuition Savings Program – Scholarships and Grants                                 | 6,095,000  |
| 8  | Nursing Education Center – Operating  | 3,204,732  |
| 9  | Rhode Island Capital Plan Funds   |            |
| 10 | Higher Education Centers  | 2,000,000  |
| 11 | Provided that the state fund no more than 50.0 percent of the total project cost. |            |
| 12 | Total – Office of Postsecondary Commissioner                                      | 39,298,624 |

13 *University of Rhode Island*

|    |                  |            |
|----|------------------|------------|
| 14 | General Revenues |            |
| 15 | General Revenues | 80,377,458 |

16 Provided that in order to leverage federal funding and support economic development,  
17 \$350,000 shall be allocated to the Small Business Development Center and that \$50,000 shall be  
18 allocated to Special Olympics Rhode Island to support its mission of providing athletic  
19 opportunities for individuals with intellectual and developmental disabilities.

|    |                                       |             |
|----|---------------------------------------|-------------|
| 20 | Debt Service                          | 23,428,285  |
| 21 | RI State Forensics Laboratory         | 1,270,513   |
| 22 | Other Funds                           |             |
| 23 | University and College Funds          | 659,961,744 |
| 24 | Debt – Dining Services                | 999,215     |
| 25 | Debt – Education and General          | 3,776,722   |
| 26 | Debt – Health Services                | 121,190     |
| 27 | Debt – Housing Loan Funds             | 9,454,613   |
| 28 | Debt – Memorial Union                 | 322,864     |
| 29 | Debt – Ryan Center                    | 2,388,444   |
| 30 | Debt – Alton Jones Services           | 102,690     |
| 31 | Debt – Parking Authority              | 1,100,172   |
| 32 | Debt – Sponsored Research             | 85,151      |
| 33 | Debt – Restricted Energy Conservation | 482,579     |
| 34 | Debt – URI Energy Conservation        | 2,008,847   |

|   |                                    |             |
|---|------------------------------------|-------------|
| 1 | Rhode Island Capital Plan Funds    |             |
| 2 | Asset Protection                   | 7,437,161   |
| 3 | Fine Arts Center Renovation        | 6,400,000   |
| 4 | Biological Resources Lab           | 3,062,839   |
| 5 | Total – University of Rhode Island | 802,780,487 |

6 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or  
7 unencumbered balances as of June 30, 2019 relating to the University of Rhode Island are hereby  
8 reappropriated to fiscal year 2020.

9 *Rhode Island College*

|    |                                  |             |
|----|----------------------------------|-------------|
| 10 | General Revenues                 |             |
| 11 | General Revenues                 | 49,328,599  |
| 12 | Debt Service                     | 6,421,067   |
| 13 | Other Funds                      |             |
| 14 | University and College Funds     | 129,030,562 |
| 15 | Debt – Education and General     | 881,090     |
| 16 | Debt – Housing                   | 369,079     |
| 17 | Debt – Student Center and Dining | 154,437     |
| 18 | Debt – Student Union             | 208,800     |
| 19 | Debt – G.O. Debt Service         | 1,642,957   |
| 20 | Debt Energy Conservation         | 613,925     |
| 21 | Rhode Island Capital Plan Funds  |             |
| 22 | Asset Protection                 | 3,562,184   |
| 23 | Infrastructure Modernization     | 3,500,000   |
| 24 | Academic Building Phase I        | 4,000,000   |
| 25 | Master Plan Advanced Planning    | 150,000     |
| 26 | Total – Rhode Island College     | 199,862,700 |

27 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or  
28 unencumbered balances as of June 30, 2019 relating to Rhode Island College are hereby  
29 reappropriated to fiscal year 2020.

30 *Community College of Rhode Island*

|    |                     |            |
|----|---------------------|------------|
| 31 | General Revenues    |            |
| 32 | General Revenues    | 51,074,830 |
| 33 | Debt Service        | 1,904,030  |
| 34 | Restricted Receipts | 694,224    |

|   |   |             |
|---|---|-------------|
| 1 | Other Funds                             |             |
| 2 | University and College Funds            | 104,812,712 |
| 3 | CCRI Debt Service – Energy Conservation | 803,875     |
| 4 | Rhode Island Capital Plan Funds         |             |
| 5 | Asset Protection                        | 2,368,035   |
| 6 | Knight Campus Lab Renovation            | 375,000     |
| 7 | Knight Campus Renewal                   | 3,600,000   |
| 8 | Total – Community College of RI         | 165,632,706 |

9 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or  
10 unencumbered balances as of June 30, 2019 relating to the Community College of Rhode Island  
11 are hereby reappropriated to fiscal year 2020.

|    |                                       |               |
|----|---------------------------------------|---------------|
| 12 | Grand Total – Public Higher Education | 1,207,574,517 |
|----|---------------------------------------|---------------|

13 **RI State Council on the Arts**

|    |                   |           |
|----|-------------------|-----------|
| 14 | General Revenues  |           |
| 15 | Operating Support | 842,993   |
| 16 | Grants            | 1,165,000 |

17 Provided that \$375,000 be provided to support the operational costs of WaterFire  
18 Providence art installations.

|    |  |           |
|----|--|-----------|
| 19 | Federal Funds                              | 719,053   |
| 20 | Restricted Receipts                        | 5,000     |
| 21 | Other Funds                                |           |
| 22 | Art for Public Facilities                  | 400,000   |
| 23 | Grand Total – RI State Council on the Arts | 3,132,046 |

24 **RI Atomic Energy Commission**

|    |   |           |
|----|---|-----------|
| 25 | General Revenues                          | 1,078,908 |
| 26 | Restricted Receipts                       | 99,000    |
| 27 | Other Funds                               |           |
| 28 | URI Sponsored Research                    | 268,879   |
| 29 | Rhode Island Capital Plan Funds           |           |
| 30 | RINSC Asset Protection                    | 50,000    |
| 31 | Grand Total – RI Atomic Energy Commission | 1,496,787 |

32 **RI Historical Preservation and Heritage Commission**

|    |                  |           |
|----|------------------|-----------|
| 33 | General Revenues | 1,210,054 |
|----|------------------|-----------|

34 Provided that \$30,000 support the operational costs of the Fort Adam Trust’s restoration

|    |   |            |
|----|---|------------|
| 1  | activities.   |            |
| 2  | Federal Funds   | 696,513    |
| 3  | Restricted Receipts   | 465,870    |
| 4  | Other Funds   |            |
| 5  | RIDOT Project Review  | 81,589     |
| 6  | Grand Total – RI Historical Preservation and Heritage Comm. | 2,454,026  |
| 7  | <b>Attorney General</b>                                     |            |
| 8  | <i>Criminal</i>   |            |
| 9  | General Revenues  | 17,225,917 |
| 10 | Federal Funds   | 12,710,334 |
| 11 | Restricted Receipts   | 139,107    |
| 12 | Total – Criminal  | 30,075,358 |
| 13 | <i>Civil</i>  |            |
| 14 | General Revenues  | 5,674,888  |
| 15 | Restricted Receipts   | 644,343    |
| 16 | Total – Civil   | 6,319,231  |
| 17 | <i>Bureau of Criminal Identification</i>                    |            |
| 18 | General Revenues  | 1,731,361  |
| 19 | <i>General</i>  |            |
| 20 | General Revenues  | 3,327,026  |
| 21 | Other Funds   |            |
| 22 | Rhode Island Capital Plan Funds                             |            |
| 23 | Building Renovations and Repairs                            | 150,000    |
| 24 | Total – General   | 3,477,026  |
| 25 | Grand Total – Attorney General                              | 41,602,976 |
| 26 | <b>Corrections</b>  |            |
| 27 | <i>Central Management</i>                                   |            |
| 28 | General Revenues  | 16,146,513 |
| 29 | Federal Funds   | 29,460     |
| 30 | Total – Central Management                                  | 16,175,973 |
| 31 | <i>Parole Board</i>   |            |
| 32 | General Revenues  | 1,307,720  |
| 33 | Federal Funds   | 120,827    |
| 34 | Total – Parole Board  | 1,428,547  |

|    |  |             |
|----|--|-------------|
| 1  | <i>Custody and Security</i>  |             |
| 2  | General Revenues   | 140,908,178 |
| 3  | Federal Funds  | 810,693     |
| 4  | Total – Custody and Security   | 141,718,871 |
| 5  | <i>Institutional Support</i>   |             |
| 6  | General Revenues   | 23,363,846  |
| 7  | Other Funds  |             |
| 8  | Rhode Island Capital Plan Funds  |             |
| 9  | Asset Protection   | 3,000,000   |
| 10 | Maximum – General Renovations  | 1,000,000   |
| 11 | Dix Building Renovations   | 750,000     |
| 12 | ISC Exterior Envelope and HVAC   | 1,750,000   |
| 13 | Medium Infrastructure  | 5,000,000   |
| 14 | High Security Renovations and Repairs  | 1,000,000   |
| 15 | Total – Institutional Support  | 35,863,846  |
| 16 | <i>Institutional Based Rehab./Population Management</i>                            |             |
| 17 | General Revenues   | 13,571,143  |
| 18 | Provided that \$1,050,000 be allocated to Crossroads Rhode Island for sex offender |             |
| 19 | discharge planning.  |             |
| 20 | Federal Funds  | 751,423     |
| 21 | Restricted Receipts  | 44,473      |
| 22 | Total – Institutional Based Rehab/Population Mgt.                                  | 14,367,039  |
| 23 | <i>Healthcare Services</i>   |             |
| 24 | General Revenues   | 24,186,222  |
| 25 | <i>Community Corrections</i>   |             |
| 26 | General Revenues   | 17,579,601  |
| 27 | Federal Funds  | 84,437      |
| 28 | Restricted Receipts  | 14,883      |
| 29 | Total – Community Corrections  | 17,678,921  |
| 30 | Grand Total – Corrections  | 251,419,419 |
| 31 | <b>Judiciary</b>   |             |
| 32 | <i>Supreme Court</i>   |             |
| 33 | General Revenues   |             |
| 34 | General Revenues   | 28,913,032  |

1            Provided however, that no more than \$1,183,205 in combined total shall be offset to the  
2 Public Defender’s Office, the Attorney General’s Office, the Department of Corrections, the  
3 Department of Children, Youth, and Families, and the Department of Public Safety for square-  
4 footage occupancy costs in public courthouses and further provided that \$230,000 be allocated to  
5 the Rhode Island Coalition Against Domestic Violence for the domestic abuse court advocacy  
6 project pursuant to Rhode Island General Law, Section 12-29-7 and that \$90,000 be allocated to  
7 Rhode Island Legal Services, Inc. to provide housing and eviction defense to indigent individuals.

|    |                                       |            |
|----|---------------------------------------|------------|
| 8  | Defense of Indigents                  | 3,960,979  |
| 9  | Federal Funds                         | 139,008    |
| 10 | Restricted Receipts                   | 3,317,943  |
| 11 | Other Funds                           |            |
| 12 | Rhode Island Capital Plan Funds       |            |
| 13 | Judicial Complexes - HVAC             | 1,000,000  |
| 14 | Judicial Complexes Asset Protection   | 950,000    |
| 15 | Licht Judicial Complex Restoration    | 750,000    |
| 16 | Licht Window/Exterior Restoration     | 800,000    |
| 17 | Noel Shelled Courtroom Build Out      | 3,939,066  |
| 18 | Total - Supreme Court                 | 43,770,028 |
| 19 | <i>Judicial Tenure and Discipline</i> |            |
| 20 | General Revenues                      | 150,684    |
| 21 | <i>Superior Court</i>                 |            |
| 22 | General Revenues                      | 23,787,395 |
| 23 | Federal Funds                         | 71,376     |
| 24 | Restricted Receipts                   | 398,089    |
| 25 | Total – Superior Court                | 24,256,860 |
| 26 | <i>Family Court</i>                   |            |
| 27 | General Revenues                      | 21,510,608 |
| 28 | Federal Funds                         | 2,703,595  |
| 29 | Total – Family Court                  | 24,214,203 |
| 30 | <i>District Court</i>                 |            |
| 31 | General Revenues                      | 13,908,601 |
| 32 | Federal Funds                         | 65         |
| 33 | Restricted Receipts                   | 60,000     |
| 34 | Total - District Court                | 13,968,666 |

|    |  |             |
|----|--|-------------|
| 1  | <i>Traffic Tribunal</i>                    |             |
| 2  | General Revenues                           | 9,763,589   |
| 3  | <i>Workers' Compensation Court</i>         |             |
| 4  | Restricted Receipts                        | 8,309,954   |
| 5  | Grand Total – Judiciary                    | 124,433,984 |
| 6  | <b>Military Staff</b>                      |             |
| 7  | General Revenues                           | 3,081,090   |
| 8  | Federal Funds                              | 18,480,072  |
| 9  | Restricted Receipts                        |             |
| 10 | RI Military Family Relief Fund             | 100,000     |
| 11 | Other Funds                                |             |
| 12 | Rhode Island Capital Plan Funds            |             |
| 13 | Armory of Mounted Command Roof Replacement | 700,000     |
| 14 | Asset Protection                           | 700,000     |
| 15 | Bristol Readiness Center                   | 125,000     |
| 16 | Joint Force Headquarters Building          | 7,106,152   |
| 17 | Grand Total – Military Staff               | 30,292,314  |
| 18 | <b>Public Safety</b>                       |             |
| 19 | <i>Central Management</i>                  |             |
| 20 | General Revenues                           | 1,013,929   |
| 21 | Federal Funds                              | 6,714,457   |
| 22 | Total – Central Management                 | 7,728,386   |
| 23 | <i>E-911 Emergency Telephone System</i>    |             |
| 24 | General Revenues                           | 6,968,614   |
| 25 | <i>Security Services</i>                   |             |
| 26 | General Revenues                           | 25,197,459  |
| 27 | <i>Municipal Police Training Academy</i>   |             |
| 28 | General Revenues                           | 253,024     |
| 29 | Federal Funds                              | 372,958     |
| 30 | Total – Municipal Police Training Academy  | 625,982     |
| 31 | <i>State Police</i>                        |             |
| 32 | General Revenues                           | 69,903,992  |
| 33 | Federal Funds                              | 8,526,488   |
| 34 | Restricted Receipts                        | 552,603     |

|    |   |             |
|----|---|-------------|
| 1  | Other Funds   |             |
| 2  | Rhode Island Capital Plan Funds   |             |
| 3  | DPS Asset Protection  | 250,000     |
| 4  | Training Academy Upgrades   | 500,000     |
| 5  | Facilities Master Plan  | 100,000     |
| 6  | Lottery Commission Assistance   | 1,494,883   |
| 7  | Airport Corporation Assistance  | 149,811     |
| 8  | Road Construction Reimbursement   | 2,201,511   |
| 9  | Weight and Measurement Reimbursement  | 304,989     |
| 10 | Total – State Police  | 83,984,277  |
| 11 | Grand Total – Public Safety   | 124,504,718 |
| 12 | <b>Office of Public Defender</b>  |             |
| 13 | General Revenues  | 12,575,531  |
| 14 | Federal Funds   | 100,985     |
| 15 | Grand Total – Office of Public Defender   | 12,676,516  |
| 16 | <b>Emergency Management Agency</b>  |             |
| 17 | General Revenues  | 2,043,945   |
| 18 | Federal Funds   | 16,335,897  |
| 19 | Restricted Receipts   | 450,985     |
| 20 | Other Funds   |             |
| 21 | Rhode Island Capital Plan Funds   |             |
| 22 | RI Statewide Communications Network   | 1,494,414   |
| 23 | Grand Total – Emergency Management Agency   | 20,325,241  |
| 24 | <b>Environmental Management</b>   |             |
| 25 | <i>Office of the Director</i>   |             |
| 26 | General Revenues  | 6,989,682   |
| 27 | Of this general revenue amount, \$50,000 is appropriated to the Conservation Districts. |             |
| 28 | Federal Funds   | 212,741     |
| 29 | Restricted Receipts   | 3,840,985   |
| 30 | Total – Office of the Director  | 11,043,408  |
| 31 | <i>Natural Resources</i>  |             |
| 32 | General Revenues  | 22,108,783  |
| 33 | Federal Funds   | 21,587,314  |
| 34 | Restricted Receipts   | 3,993,561   |

|    |   |             |
|----|---|-------------|
| 1  | Other Funds                                   |             |
| 2  | DOT Recreational Projects                     | 2,339,312   |
| 3  | Blackstone Bikepath Design                    | 2,075,848   |
| 4  | Transportation MOU                            | 84,527      |
| 5  | Rhode Island Capital Plan Funds               |             |
| 6  | Blackstone Valley Park Improvements           | 250,000     |
| 7  | Dam Repair                                    | 1,900,000   |
| 8  | Fort Adams Rehabilitation                     | 300,000     |
| 9  | Recreational Facilities Improvements          | 2,500,000   |
| 10 | Galilee Piers Upgrade                         | 1,750,000   |
| 11 | Fish & Wildlife Maintenance Facilities        | 150,000     |
| 12 | Natural Resources Offices/Visitor's Center    | 5,000,000   |
| 13 | Marine Infrastructure and Pier Development    | 1,000,000   |
| 14 | State Recreation Building Demolition          | 100,000     |
| 15 | Total – Natural Resources                     | 65,139,345  |
| 16 | <i>Environmental Protection</i>               |             |
| 17 | General Revenues                              | 12,742,750  |
| 18 | Federal Funds                                 | 9,963,105   |
| 19 | Restricted Receipts                           | 9,745,745   |
| 20 | Other Funds                                   |             |
| 21 | Transportation MOU                            | 55,154      |
| 22 | Total – Environmental Protection              | 32,506,754  |
| 23 | Grand Total – Environmental Management        | 108,689,507 |
| 24 | <b>Coastal Resources Management Council</b>   |             |
| 25 | General Revenues                              | 2,760,157   |
| 26 | Federal Funds                                 | 2,733,267   |
| 27 | Restricted Receipts                           | 250,000     |
| 28 | Other Funds                                   |             |
| 29 | Rhode Island Capital Plan Funds               |             |
| 30 | Rhode Island Coastal Storm Risk Study         | 525,000     |
| 31 | Narragansett Bay SAMP                         | 200,000     |
| 32 | Grand Total – Coastal Resources Mgmt. Council | 6,468,424   |
| 33 | <b>Transportation</b>                         |             |
| 34 | <i>Central Management</i>                     |             |

|    |  |             |
|----|--|-------------|
| 1  | Federal Funds                            | 6,503,262   |
| 2  | Other Funds                              |             |
| 3  | Gasoline Tax                             | 4,741,088   |
| 4  | Total – Central Management               | 11,244,350  |
| 5  | <i>Management and Budget</i>             |             |
| 6  | Other Funds                              |             |
| 7  | Gasoline Tax                             | 5,822,202   |
| 8  | <i>Infrastructure Engineering</i>        |             |
| 9  | Federal Funds                            |             |
| 10 | Federal Funds                            | 288,650,305 |
| 11 | Federal Funds – Stimulus                 | 4,386,593   |
| 12 | Restricted Receipts                      | 3,034,406   |
| 13 | Other Funds                              |             |
| 14 | Gasoline Tax                             | 75,836,779  |
| 15 | Toll Revenue                             | 41,000,000  |
| 16 | Land Sale Revenue                        | 2,647,815   |
| 17 | Rhode Island Capital Plan Funds          |             |
| 18 | RIPTA Land and Buildings                 | 90,000      |
| 19 | RIPTA Pawtucket Bus Hub                  | 946,168     |
| 20 | RIPTA Providence Transit Connector       | 1,561,279   |
| 21 | Highway Improvement Program              | 35,851,346  |
| 22 | Total - Infrastructure Engineering       | 454,004,691 |
| 23 | <i>Infrastructure Maintenance</i>        |             |
| 24 | Other Funds                              |             |
| 25 | Gasoline Tax                             | 18,918,661  |
| 26 | Non-Land Surplus Property                | 50,000      |
| 27 | Outdoor Advertising                      | 100,000     |
| 28 | Utility Access Permit Fees               | 500,000     |
| 29 | Rhode Island Highway Maintenance Account | 97,007,238  |
| 30 | Rhode Island Capital Plan Funds          |             |
| 31 | Maintenance Facilities Improvements      | 523,989     |
| 32 | Salt Storage Facilities                  | 1,000,000   |
| 33 | Maintenance - Equipment Replacement      | 1,500,000   |
| 34 | Train Station Maintenance and Repairs    | 350,000     |

|   |                                    |             |
|---|------------------------------------|-------------|
| 1 | Total – Infrastructure Maintenance | 119,949,888 |
| 2 | Grand Total – Transportation       | 591,021,131 |

3 **Statewide Totals**

|   |                       |               |
|---|-----------------------|---------------|
| 4 | General Revenues      | 3,908,207,061 |
| 5 | Federal Funds         | 3,208,172,271 |
| 6 | Restricted Receipts   | 281,812,633   |
| 7 | Other Funds           | 2,174,549,841 |
| 8 | Statewide Grand Total | 9,572,741,806 |

9 SECTION 2. Each line appearing in Section 1 of this Article shall constitute an  
10 appropriation.

11 SECTION 3. Upon the transfer of any function of a department or agency to another  
12 department or agency, the Governor is hereby authorized by means of executive order to transfer  
13 or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected  
14 thereby.

15 SECTION 4. From the appropriation for contingency shall be paid such sums as may be  
16 required at the discretion of the Governor to fund expenditures for which appropriations may not  
17 exist. Such contingency funds may also be used for expenditures in the several departments and  
18 agencies where appropriations are insufficient, or where such requirements are due to unforeseen  
19 conditions or are non-recurring items of an unusual nature. Said appropriations may also be used  
20 for the payment of bills incurred due to emergencies or to any offense against public peace and  
21 property, in accordance with the provisions of Titles 11 and 45 of the General Laws of 1956, as  
22 amended. All expenditures and transfers from this account shall be approved by the Governor.

23 SECTION 5. The general assembly authorizes the state controller to establish the internal  
24 service accounts shown below, and no other, to finance and account for the operations of state  
25 agencies that provide services to other agencies, institutions and other governmental units on a cost  
26 reimbursed basis. The purpose of these accounts is to ensure that certain activities are managed in  
27 a businesslike manner, promote efficient use of services by making agencies pay the full costs  
28 associated with providing the services, and allocate the costs of central administrative services  
29 across all fund types, so that federal and other non-general fund programs share in the costs of  
30 general government support. The controller is authorized to reimburse these accounts for the cost  
31 of work or services performed for any other department or agency subject to the following  
32 expenditure limitations:

| 33 | <u>Account</u>                                      | <u>Expenditure Limit</u> |
|----|---|--------------------------|
| 34 | State Assessed Fringe Benefit Internal Service Fund | 41,383,271               |

|    |   |             |
|----|---|-------------|
| 1  | Administration Central Utilities Internal Service Fund        | 22,910,320  |
| 2  | State Central Mail Internal Service Fund                      | 6,539,120   |
| 3  | State Telecommunications Internal Service Fund                | 3,602,419   |
| 4  | State Automotive Fleet Internal Service Fund                  | 12,549,973  |
| 5  | Surplus Property Internal Service Fund                        | 3,000       |
| 6  | Health Insurance Internal Service Fund                        | 251,953,418 |
| 7  | State Fleet Revolving Loan Fund                               | 273,786     |
| 8  | Other Post-Employment Benefits Fund                           | 63,858,483  |
| 9  | Capitol Police Internal Service Fund                          | 1,395,433   |
| 10 | Corrections Central Distribution Center Internal Service Fund | 6,769,493   |
| 11 | Correctional Industries Internal Service Fund                 | 8,050,590   |
| 12 | Secretary of State Record Center Internal Service Fund        | 947,539     |
| 13 | Human Resources Internal Service Fund                         | 12,131,620  |
| 14 | DCAMM Facilities Internal Service Fund                        | 39,212,184  |
| 15 | Information Technology Internal Service Fund                  | 32,282,229  |

16 SECTION 6. *Legislative Intent* - The General Assembly may provide a written "statement  
17 of legislative intent" signed by the chairperson of the House Finance Committee and by the  
18 chairperson of the Senate Finance Committee to show the intended purpose of the appropriations  
19 contained in Section 1 of this Article. The statement of legislative intent shall be kept on file in the  
20 House Finance Committee and in the Senate Finance Committee.

21 At least twenty (20) days prior to the issuance of a grant or the release of funds, which  
22 grant or funds are listed on the legislative letter of intent, all department, agency and corporation  
23 directors, shall notify in writing the chairperson of the House Finance Committee and the  
24 chairperson of the Senate Finance Committee of the approximate date when the funds are to be  
25 released or granted.

26 SECTION 7. *Appropriation of Temporary Disability Insurance Funds* -- There is hereby  
27 appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all funds  
28 required to be disbursed for the benefit payments from the Temporary Disability Insurance Fund  
29 and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2019.

30 SECTION 8. *Appropriation of Employment Security Funds* -- There is hereby appropriated  
31 pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to be disbursed  
32 for benefit payments from the Employment Security Fund for the fiscal year ending June 30, 2019.

33 SECTION 9. *Appropriation of Lottery Division Funds* -- There is hereby appropriated to  
34 the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes of

1 paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2019.

2 SECTION 10. *Appropriation of CollegeBoundSaver Funds* – There is hereby appropriated  
3 to the Office of the General Treasurer designated funds received under the CollegeBoundSaver  
4 program for transfer to the Division of Higher Education Assistance within the Office of the  
5 Postsecondary Commissioner to support student financial aid for the fiscal year ending June 30,  
6 2019.

7 SECTION 11. Departments and agencies listed below may not exceed the number of full-  
8 time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do  
9 not include seasonal or intermittent positions whose scheduled period of employment does not  
10 exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and  
11 twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include individuals  
12 engaged in training, the completion of which is a prerequisite of employment. Provided, however,  
13 that the Governor or designee, Speaker of the House of Representatives or designee, and the  
14 President of the Senate or designee may authorize an adjustment to any limitation. Prior to the  
15 authorization, the State Budget Officer shall make a detailed written recommendation to the  
16 Governor, the Speaker of the House, and the President of the Senate. A copy of the recommendation  
17 and authorization to adjust shall be transmitted to the chairman of the House Finance Committee,  
18 Senate Finance Committee, the House Fiscal Advisor and the Senate Fiscal Advisor.

19 State employees whose funding is from non-state general revenue funds that are time  
20 limited shall receive limited term appointment with the term limited to the availability of non-state  
21 general revenue funding source.

22 FY 2019 FTE POSITION AUTHORIZATION

| 23 <u>Departments and Agencies</u>   | <u>Full-Time Equivalent</u> |
|--------------------------------------|-----------------------------|
| 24 Administration                    | 655.7                       |
| 25 Business Regulation               | 161.0                       |
| 26 Executive Office of Commerce      | 16.0                        |
| 27 Labor and Training                | 409.7                       |
| 28 Revenue                           | 604.5                       |
| 29 Legislature                       | 298.5                       |
| 30 Office of the Lieutenant Governor | 8.0                         |
| 31 Office of the Secretary of State  | 59.0                        |
| 32 Office of the General Treasurer   | 89.0                        |
| 33 Board of Elections                | 13.0                        |
| 34 Rhode Island Ethics Commission    | 12.0                        |

|    |  |         |
|----|--|---------|
| 1  | Office of the Governor   | 45.0    |
| 2  | Commission for Human Rights  | 14.5    |
| 3  | Public Utilities Commission  | 53.0    |
| 4  | Office of Health and Human Services  | 192.0   |
| 5  | Children, Youth, and Families  | 631.5   |
| 6  | Health   | 514.6   |
| 7  | Human Services   | 1,020.1 |
| 8  | Behavioral Healthcare, Developmental Disabilities, and Hospitals                                 | 1,302.4 |
| 9  | Provided that 3.0 of the total authorization would be available only for a quality               |         |
| 10 | improvement team to ensure that community based agencies transition to providing integrated      |         |
| 11 | services to adults with developmental disabilities that comply with the consent decree.          |         |
| 12 | Office of the Child Advocate   | 10.0    |
| 13 | Commission on the Deaf and Hard of Hearing   | 4.0     |
| 14 | Governor's Commission on Disabilities  | 4.0     |
| 15 | Office of the Mental Health Advocate   | 4.0     |
| 16 | Elementary and Secondary Education   | 135.1   |
| 17 | School for the Deaf  | 60.0    |
| 18 | Davies Career and Technical School   | 126.0   |
| 19 | Office of Postsecondary Commissioner   | 36.0    |
| 20 | Provided that 1.0 of the total authorization would be available only for positions that are      |         |
| 21 | supported by third-party funds, 5.0 would be available only for positions at the Westerly Higher |         |
| 22 | Education Center and Job Skills Center, and 10.0 would be available only for positions at the    |         |
| 23 | Nursing Education Center.  |         |
| 24 | University of Rhode Island   | 2,555.0 |
| 25 | Provided that 622.8 of the total authorization would be available only for positions that are    |         |
| 26 | supported by third-party funds.  |         |
| 27 | Rhode Island College   | 949.2   |
| 28 | Provided that 76.0 of the total authorization would be available only for positions that are     |         |
| 29 | supported by third-party funds.  |         |
| 30 | Community College of Rhode Island  | 854.1   |
| 31 | Provided that 89.0 of the total authorization would be available only for positions that are     |         |
| 32 | supported by third-party funds.  |         |
| 33 | Rhode Island State Council on the Arts   | 8.6     |
| 34 | RI Atomic Energy Commission  | 8.6     |

|    |   |                 |
|----|---|-----------------|
| 1  | Historical Preservation and Heritage Commission | 15.6            |
| 2  | Office of the Attorney General                  | 237.1           |
| 3  | Corrections                                     | 1,416.0         |
| 4  | Judicial  | 723.3           |
| 5  | Military Staff                                  | 92.0            |
| 6  | Emergency Management Agency                     | 32.0            |
| 7  | Public Safety                                   | 564.6           |
| 8  | Office of the Public Defender                   | 95.0            |
| 9  | Environmental Management                        | 395.0           |
| 10 | Coastal Resources Management Council            | 30.0            |
| 11 | Transportation                                  | 755.0           |
| 12 | <b>Total</b>                                    | <b>15,209.7</b> |

13 SECTION 12. The amounts reflected in this Article include the appropriation of Rhode  
14 Island Capital Plan funds for fiscal year 2019 and supersede appropriations provided for FY 2019  
15 within Section 11 of Article 1 of Chapter 302 of the P.L. of 2017.

16 The following amounts are hereby appropriated out of any money in the State's Rhode  
17 Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending  
18 June 30, 2020, June 30, 2021, June 30, 2022, and June 30, 2023. These amounts supersede  
19 appropriations provided within Section 11 of Article 1 of Chapter 302 of the P.L. of 2017. For the  
20 purposes and functions hereinafter mentioned, the State Controller is hereby authorized and  
21 directed to draw his or her orders upon the General Treasurer for the payment of such sums and  
22 such portions thereof as may be required by him or her upon receipt of properly authenticated  
23 vouchers.

|   | Fiscal Year          | Fiscal Year          | Fiscal Year          | Fiscal Year          |
|---|----------------------|----------------------|----------------------|----------------------|
|   | Ending               | Ending               | Ending               | Ending               |
| <u>Project</u>                            | <u>June 30, 2020</u> | <u>June 30, 2021</u> | <u>June 30, 2022</u> | <u>June 30, 2023</u> |
| 27 DOA – Accessibility                    | 500,000              | 500,000              | 1,000,000            | 1,000,000            |
| 28 DOA – Board of Elections/Health/ME Lab | 8,000,000            | 0                    | 0                    | 0                    |
| 29 DOA – Cannon Building                  | 350,000              | 3,000,000            | 3,000,000            | 1,000,000            |
| 30 DOA – Cranston Street Armory           | 500,000              | 500,000              | 2,000,000            | 3,000,000            |
| 31 DOA – Energy Efficiency                | 500,000              | 500,000              | 1,000,000            | 1,000,000            |
| 32 DOA – Hospital Reorganization          | 16,000,000           | 4,000,000            | 0                    | 0                    |
| 33 DOA – Pastore Center Rehab             | 2,000,000            | 3,000,000            | 4,000,000            | 4,100,000            |
| 34 DOA – Security Measures/State          |                      |                      |                      |                      |

|    |  |            |            |            |            |
|----|--|------------|------------|------------|------------|
| 1  | Buildings  | 250,000    | 250,000    | 250,000    | 250,000    |
| 2  | DOA – Shepard Building                           | 1,000,000  | 850,000    | 750,000    | 750,000    |
| 3  | DOA – State House Renovations                    | 1,000,000  | 500,000    | 500,000    | 1,500,000  |
| 4  | DOA – State Office Building                      | 1,000,000  | 1,000,000  | 1,000,000  | 1,000,000  |
| 5  | DOA – Washington County Gov. Center              | 1,000,000  | 2,000,000  | 3,000,000  | 0          |
| 6  | DOA – Williams Powers Bldg.                      | 2,000,000  | 2,000,000  | 2,250,000  | 2,250,000  |
| 7  | DOA – Zambarano Utilities and Mtn.               | 1,500,000  | 2,300,000  | 2,300,000  | 0          |
| 8  | EOC – Quonset Piers                              | 5,500,000  | 5,500,000  | 0          | 0          |
| 9  | EOC – Quonset Point Infrastructure               | 4,000,000  | 6,000,000  | 0          | 0          |
| 10 | DLT – Center General Asset Protection            | 750,000    | 1,000,000  | 1,000,000  | 1,000,000  |
| 11 | DCYF – RITS Repairs                              | 1,700,000  | 200,000    | 200,000    | 200,000    |
| 12 | EL SEC – Davies School Asset Protection          | 150,000    | 150,000    | 150,000    | 150,000    |
| 13 | EL SEC – Met School Asset Protection             | 250,000    | 250,000    | 250,000    | 250,000    |
| 14 | OPC – Higher Education Centers                   | 2,000,000  | 0          | 0          | 0          |
| 15 | URI – Asset Protection                           | 8,326,839  | 8,531,280  | 8,700,000  | 8,874,000  |
| 16 | URI – Fine Arts Center Renovation                | 4,600,000  | 0          | 0          | 0          |
| 17 | RIC – Asset Protection                           | 3,669,050  | 4,150,000  | 4,233,000  | 4,318,000  |
| 18 | RIC – Infrastructure Modernization               | 3,000,000  | 3,500,000  | 4,500,000  | 2,000,000  |
| 19 | RIC – Academic Building Phase I                  | 2,000,000  | 0          | 0          | 0          |
| 20 | CCRI – Asset Protection                          | 2,439,076  | 2,487,857  | 2,537,615  | 2,588,000  |
| 21 | CCRI – Knight Campus Renewal                     | 3,500,000  | 3,500,000  | 0          | 0          |
| 22 | CCRI – Flanagan Campus Renewal                   | 0          | 2,000,000  | 2,000,000  | 6,000,000  |
| 23 | DOC – Asset Protection                           | 3,000,000  | 3,000,000  | 4,000,000  | 4,000,000  |
| 24 | DOC – ISC Envelope and HVAC                      | 1,750,000  | 1,850,000  | 2,500,000  | 2,500,000  |
| 25 | DOC – Medium Infrastructure                      | 5,000,000  | 3,000,000  | 6,000,000  | 7,000,000  |
| 26 | Military Staff – Asset Protection                | 700,000    | 700,000    | 800,000    | 800,000    |
| 27 | DPS – Asset Protection                           | 250,000    | 250,000    | 250,000    | 250,000    |
| 28 | DEM – Dam Repair                                 | 200,000    | 0          | 0          | 0          |
| 29 | DEM – Fort Adams Rehabilitation                  | 300,000    | 300,000    | 300,000    | 0          |
| 30 | DEM – Galilee Piers Upgrade                      | 900,000    | 400,000    | 400,000    | 400,000    |
| 31 | DEM – Marine Infrastructure/<br>Pier Development | 750,000    | 1,000,000  | 1,250,000  | 1,250,000  |
| 32 | DEM – Recreational Facilities Improv.            | 1,850,000  | 2,100,000  | 2,500,000  | 2,500,000  |
| 33 | DOT – Highway Improvement Program                | 32,451,346 | 32,451,346 | 32,451,346 | 27,200,000 |
| 34 |  |            |            |            |            |

|   |                                     |           |           |           |           |
|---|-------------------------------------|-----------|-----------|-----------|-----------|
| 1 | DOT – Capital Equipment Replacement | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 |
| 2 | DOT – Maintenance Facility Improv.  | 400,000   | 400,000   | 400,000   | 500,000   |

3           SECTION 13. [Reappropriation of Funding for Rhode Island Capital Plan Fund Projects.](#) –

4 Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project  
5 appropriations shall be reappropriated in the ensuing fiscal year and made available for the same  
6 purpose. However, any such reappropriations are subject to final approval by the General Assembly  
7 as part of the supplemental appropriations act. Any unexpended funds of less than five hundred  
8 dollars (\$500) shall be reappropriated at the discretion of the State Budget Officer.

9           SECTION 14. For the Fiscal Year ending June 30, 2019, the Rhode Island Housing and  
10 Mortgage Finance Corporation shall provide from its resources such sums as appropriate in support  
11 of the Neighborhood Opportunities Program. The Corporation shall provide a report detailing the  
12 amount of funding provided to this program, as well as information on the number of units of  
13 housing provided as a result to the Director of Administration, the Chair of the Housing Resources  
14 Commission, the Chair of the House Finance Committee, the Chair of the Senate Finance  
15 Committee and the State Budget Officer.

16           SECTION 15. Notwithstanding any provisions of Chapter 64 in Title 42 of the Rhode  
17 Island General Laws, the Commerce Corporation shall transfer to the State Controller the sum of  
18 seven hundred-fifty thousand dollars (\$750,000) from appropriation provided for the Anchor  
19 Institution Tax Credit program in Public Law 2015-H 5900, Substitute A, as amended by October  
20 1, 2018.

21           SECTION 16. Notwithstanding any provisions of Chapter 12.2 in Title 46 of the Rhode  
22 Island General Laws, the Rhode Island Infrastructure Bank shall transfer to the State Controller the  
23 sum of four million (\$4,000,000) by June 30, 2019.

24           SECTION 17. This article shall take effect as of July 1, 2018.

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**ARTICLE 2 AS AMENDED**

RELATING TO STATE FUNDS

SECTION 1. Section 16-59-9 of the General Laws in Chapter 16-59 entitled “Board of Governors for Higher Education [See Title 16 Chapter 97 – The Rhode Island Board of Education Act]” is hereby amended to read as follows:

**16-59-9. Educational budget and appropriations.**

(a) The general assembly shall annually appropriate any sums it deems necessary for support and maintenance of higher education in the state and the state controller is authorized and directed to draw his or her orders upon the general treasurer for the payment of the appropriations or so much of the sums that are necessary for the purposes appropriated, upon the receipt by him or her of proper vouchers as the council on postsecondary education may by rule provide. The council shall receive, review, and adjust the budget for the office of postsecondary commissioner and present the budget as part of the budget for higher education under the requirements of § 35-3-4.

(b) The office of postsecondary commissioner and the institutions of public higher education shall establish working capital accounts.

(c) Any tuition or fee increase schedules in effect for the institutions of public higher education shall be received by the council on postsecondary education for allocation for the fiscal year for which state appropriations are made to the council by the general assembly; provided that no further increases may be made by the board of education or the council on postsecondary education for the year for which appropriations are made. Except that these provisions shall not apply to the revenues of housing, dining, and other auxiliary facilities at the university of Rhode Island, Rhode Island college, and the community colleges including student fees as described in P.L. 1962, ch. 257 pledged to secure indebtedness issued at any time pursuant to P.L. 1962, ch. 257 as amended.

(d) All housing, dining, and other auxiliary facilities at all public institutions of higher learning shall be self-supporting and no funds shall be appropriated by the general assembly to pay operating expenses, including principal and interest on debt services, and overhead expenses for the facilities, with the exception of the mandatory fees covered by the Rhode Island promise scholarship program as established by § 16-107-3. Any debt-service costs on general obligation

1 bonds presented to the voters in November 2000 and November 2004 or appropriated funds from  
2 the Rhode Island capital plan for the housing auxiliaries at the university of Rhode Island and  
3 Rhode Island college shall not be subject to this self-supporting requirement in order to provide  
4 funds for the building construction and rehabilitation program. The institutions of public higher  
5 education will establish policies and procedures that enhance the opportunity for auxiliary facilities  
6 to be self-supporting, including that all faculty provide timely and accurate copies of booklists for  
7 required textbooks to the public higher educational institution's bookstore.

8 (e) The additional costs to achieve self-supporting status shall be by the implementation of  
9 a fee schedule of all housing, dining, and other auxiliary facilities, including but not limited to,  
10 operating expenses, principal, and interest on debt services, and overhead expenses.

11 (f) The board of education is authorized to establish a restricted-receipt account for the  
12 ~~Westerly~~ Higher Education and Industry Centers established throughout the state ~~(also known as~~  
13 ~~the Westerly Job Skills Center or Westerly Higher Education Learning Center)~~ and to collect lease  
14 payments from occupying companies, and fees from room and service rentals, to support the  
15 operation and maintenance of the ~~facility~~ facilities. All such revenues shall be deposited to the  
16 restricted-receipt account.

17 SECTION 2. Section 35-3-15 of the General Laws in Chapter 35-3 entitled "State Budget"  
18 is hereby amended to read as follows:

19 **35-3-15. Unexpended and unencumbered balances of revenue appropriations.**

20 (a) All unexpended or unencumbered balances of general revenue appropriations, whether  
21 regular or special appropriations, at the end of any fiscal year, shall revert to the surplus account in  
22 the general fund, and may be reappropriated by the governor to the ensuing fiscal year and made  
23 immediately available for the same purposes as the former appropriations; provided, that the  
24 disposition of unexpended or unencumbered appropriations for the general assembly and legislative  
25 agencies shall be determined by the joint committee on legislative affairs, and written notification  
26 given thereof to the state controller within twenty (20) days after the end of the fiscal year; and  
27 furthermore that the disposition of unexpended or unencumbered appropriations for the judiciary,  
28 shall be determined by the state court administrator, and written notification given thereof to the  
29 state controller within twenty (20) days after the end of the fiscal year.

30 (b) The governor shall submit a report of such reappropriations to the chairperson of the  
31 house finance committee and the chairperson of the senate finance committee of each  
32 reappropriation stating the general revenue appropriation, the unexpended or unencumbered  
33 balance, the amount reappropriated, and an explanation of the reappropriation and the reason for  
34 the reappropriation by August ~~15~~ 20 of each year.

1 SECTION 3. Section 35-4-27 of the General Laws in Chapter 35-4 entitled “State Funds”  
2 is hereby amended to read as follows:

3 **35-4-27. Indirect cost recoveries on restricted receipt accounts.**

4 Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all  
5 restricted-receipt accounts, to be recorded as general revenues in the general fund. However, there  
6 shall be no transfer from cash receipts with restrictions received exclusively: (1) From contributions  
7 from non-profit charitable organizations; (2) From the assessment of indirect cost-recovery rates  
8 on federal grant funds; or (3) Through transfers from state agencies to the department of  
9 administration for the payment of debt service. These indirect cost recoveries shall be applied to all  
10 accounts, unless prohibited by federal law or regulation, court order, or court settlement. The  
11 following restricted receipt accounts shall not be subject to the provisions of this section:

- 12 Executive Office of Health and Human Services
- 13 Organ Transplant Fund
- 14 HIV Care Grant Drug Rebates
- 15 Department of Human Services
- 16 Veterans' home – Restricted account
- 17 Veterans' home – Resident benefits
- 18 Pharmaceutical Rebates Account
- 19 Demand Side Management Grants
- 20 Veteran's Cemetery Memorial Fund
- 21 Donations – New Veterans' Home Construction
- 22 Department of Health
- 23 Pandemic medications and equipment account
- 24 Miscellaneous Donations/Grants from Non-Profits
- 25 State Loan Repayment Match
- 26 Department of Behavioral Healthcare, Developmental Disabilities and Hospitals
- 27 Eleanor Slater non-Medicaid third-party payor account
- 28 Hospital Medicare Part D Receipts
- 29 RICLAS Group Home Operations
- 30 Commission on the Deaf and Hard of Hearing
- 31 Emergency and public communication access account
- 32 Department of Environmental Management
- 33 National heritage revolving fund
- 34 Environmental response fund II

1           Underground storage tanks registration fees  
2           Rhode Island Historical Preservation and Heritage Commission  
3           Historic preservation revolving loan fund  
4           Historic Preservation loan fund – Interest revenue  
5           Department of Public Safety  
6           Forfeited property – Retained  
7           Forfeitures – Federal  
8           Forfeited property – Gambling  
9           Donation – Polygraph and Law Enforcement Training  
10          Rhode Island State Firefighter's League Training Account  
11          Fire Academy Training Fees Account  
12          Attorney General  
13          Forfeiture of property  
14          Federal forfeitures  
15          Attorney General multi-state account  
16          Forfeited property – Gambling  
17          Department of Administration  
18          OER Reconciliation Funding  
19          RI Health Benefits Exchange  
20          Information Technology Investment Fund  
21          Restore and replacement – Insurance coverage  
22          Convention Center Authority rental payments  
23          Investment Receipts – TANS  
24          OPEB System Restricted Receipt Account  
25          Car Rental Tax/Surcharge-Warwick Share  
26          Executive Office of Commerce  
27          Housing Resources Commission Restricted Account  
28          Department of Revenue  
29          DMV Modernization Project  
30          Jobs Tax Credit Redemption Fund  
31          Legislature  
32          Audit of federal assisted programs  
33          Department of Children, Youth and Families  
34          Children's Trust Accounts – SSI

1 Military Staff  
2 RI Military Family Relief Fund  
3 RI National Guard Counterdrug Program  
4 Treasury  
5 Admin. Expenses – State Retirement System  
6 Retirement – Treasury Investment Options  
7 Defined Contribution – Administration - RR  
8 Violent Crimes Compensation – Refunds  
9 Treasury Research Fellowship  
10 Business Regulation  
11 Banking Division Reimbursement Account  
12 Office of the Health Insurance Commissioner Reimbursement Account  
13 Securities Division Reimbursement Account  
14 Commercial Licensing and Racing and Athletics Division Reimbursement Account  
15 Insurance Division Reimbursement Account  
16 Historic Preservation Tax Credit Account  
17 Judiciary  
18 Arbitration Fund Restricted Receipt Account  
19 Third-Party Grants  
20 RI Judiciary Technology Surcharge Account  
21 Department of Elementary and Secondary Education  
22 Statewide Student Transportation Services Account  
23 School for the Deaf Fee-for-Service Account  
24 [School for the Deaf – School Breakfast and Lunch Program](#)  
25 Davies Career and Technical School Local Education Aid Account  
26 Davies – National School Breakfast & Lunch Program  
27 [School Construction Services](#)  
28 Office of the Postsecondary Commissioner  
29 ~~Westerly~~ Higher Education and Industry Centers  
30 Department of Labor and Training  
31 Job Development Fund  
32 SECTION 4. Chapter 40-1 of the General Laws entitled "Department of Human Services"  
33 is hereby amended by adding thereto the following section:  
34 **40-1-17. Receipt and use of funds.**

1           To carry out the purposes of this chapter, the department of human services, with the  
2 approval of the governor, shall have the authority to receive and expend monies from any other  
3 sources, public or private, including, but not limited to, legislative enactments, bond issues, gifts,  
4 devises, grants, bequests, or donations. The department of human services, with the approval of the  
5 governor, is authorized to enter into any contracts necessary to obtain and expend those funds.

6           SECTION 5. Section 42-27-6 of the General Laws in Chapter 42-27 entitled “Atomic  
7 Energy Commission” is hereby amended to read as follows:

8           **42-27-6. Reactor usage charges.**

9           (a) Effective July 1, 2018, All fees collected by the atomic energy commission for use of  
10 the reactor facilities and related services shall be deposited ~~as general revenues.~~ in a restricted  
11 receipt account to support the technical operation and maintenance of the agency’s equipment.

12           (b) All revenues remaining in the restricted receipt account, after expenditures authorized  
13 in subdivision (a) of this section, above two hundred thousand dollars (\$200,000) shall be paid into  
14 the state’s general fund. These payments shall be made annually on the last business day of the  
15 fiscal year.

16           (c) A charge of up to forty percent (40%), adjusted annually as of July 1, shall be assessed  
17 against all University of Rhode Island (URI) sponsored research activity allocations. The charge  
18 shall be applied to the existing URI sponsored research expenditures within the atomic energy  
19 commission.

20           SECTION 6. This Article shall take effect upon passage.

21



1 (c) Failure to provide or falsified information on an application, or any document required  
2 by this chapter is punishable by a fine not to exceed ten thousand dollars (\$10,000) and/or  
3 revocation of the registration.

4 (d) Applicant must be at least eighteen (18) years of age.

5 (e) Satisfactory proof shall be provided to the board evidencing the completion of five (5)  
6 hours of continuing education units which will be required to be maintained by residential  
7 contractors as a condition of registration as determined by the board pursuant to established  
8 regulations.

9 (f) ~~An affidavit~~ A certification in a form issued by the board shall be completed upon  
10 registration or license or renewal to assure contractors are aware of certain provisions of this law  
11 and shall be signed by the registrant before a registration can be issued or renewed.

12 **5-65-7. Insurance required of contractors.**

13 (a) Throughout the period of registration, the contractor shall have in effect public liability  
14 and property damage insurance covering the work of that contractor which shall be subject to this  
15 chapter in not less than the following amount: five hundred thousand dollars (\$500,000) combined  
16 single limit, bodily injury and property damage.

17 (b) In addition, all contractors shall have in effect worker's compensation insurance as  
18 required under chapter 29 of title 28. Failure to maintain required insurance shall not preclude  
19 claims from being filed against a contractor.

20 (c) The contractor shall provide satisfactory evidence to the board at the time of registration  
21 and renewal that the insurance required by subsection (a) of this section has been procured and is  
22 in effect. Failure to maintain insurance shall invalidate registration and may result in a fine to the  
23 registrant and/or suspension or revocation of the registration.

24 **5-65-9. Registration fee.**

25 (a) Each applicant shall pay to the board:

26 (1) For original registration or renewal of registration, a fee of two hundred dollars (\$200).

27 (2) A fee for all changes in the registration, as prescribed by the board, other than those  
28 due to clerical errors.

29 (b) All fees and fines collected by the board shall be deposited as general revenues to  
30 support the activities set forth in this chapter until June 30, 2008. Beginning July 1, 2008, all fees  
31 and fines collected by the board shall be deposited into a restricted receipt account for the exclusive  
32 use of supporting programs established by this chapter.

33 (c) On or before January 15, 2018, and annually thereafter, the board shall file a report with  
34 the speaker of the house and the president of the senate, with copies to the chairpersons of the house

1 and senate finance committees, detailing:

2 (1) The total number of fines issued, broken down by category, including the number of  
3 fines issued for a first violation and the number of fines issued for a subsequent violation;

4 (2) The total dollar amount of fines levied;

5 (3) The total amount of fees, fines, and penalties collected and deposited for the most  
6 recently completed fiscal year; and

7 (4) The account balance as of the date of the report.

8 (d) Each year, the ~~executive director~~ [department of business regulation](#) shall prepare a  
9 proposed budget to support the programs approved by the board. The proposed budget shall be  
10 submitted to the board for its review. A final budget request shall be submitted to the legislature as  
11 part of the ~~capital projects and property management annual request~~ [department of business](#)  
12 [regulation's annual request](#).

13 (e) New or renewal registrations may be filed online or with a third-party approved by the  
14 board, with the additional cost incurred to be borne by the registrant.

15 SECTION 2. Sections 5-84-1, 5-84-2, 5-84-3, 5-84-5, 5-84-6 and 5-84-7 of the General  
16 Laws in Chapter 5-84 entitled "Division of Design Professionals" are hereby amended as follows:

17 The title of Chapter 5-84 of the General Laws entitled "Division of Design Professionals"  
18 is hereby changed to "Division of Building, Design and Fire Professionals."

19 **5-84-1. Short title.**

20 This chapter shall be known and may be cited as "The Division of ~~Design~~ [Building, Design](#)  
21 [and Fire](#) Professionals Act."

22 **5-84-2. ~~Division of design building, design and fire professionals~~ Division of building,**  
23 **design and fire professionals.**

24 There has been created within the department of business regulation, a division known as  
25 the division of ~~design~~ [building, design and fire](#) professionals.

26 **5-84-3. Division membership.**

27 The division consists of the membership of the [office of the state fire marshal, the fire](#)  
28 [safety code board of review and appeal, the office of the state building commissioner, the](#) board of  
29 registration for professional engineers, board of registration for professional land surveyors, board  
30 of examination and registration of architects, ~~and~~ the board of examiners of landscape architects  
31 [and the contractors' registration and licensing board](#).

32 **5-84-5. Imposition of fines for unregistered activity.**

33 (a) In addition to any other provision of law, if a person or business practices or offers to  
34 practice architecture, engineering, land surveying, or landscape architecture in the state without

1 being registered or authorized to practice as required by law, the boards within the division may  
2 recommend that the director of the department of business regulations [or the director's designee](#)  
3 issue an order imposing a fine; provided, however, that this section shall not apply to issues between  
4 the boards referred to in subsection (a) of this section as to the scope of a board registrant's authority  
5 to engage in work relating to another board's jurisdiction or to issues relating to ISDS designers  
6 licensed by the department of environmental management.

7 (b) A fine ordered under this section may not exceed two thousand five hundred dollars  
8 (\$2,500) for each offense. In recommending a fine, the board shall set the amount of the penalty  
9 imposed under this section after taking into account factors, including the seriousness of the  
10 violation, the economic benefit resulting from the violation, the history of violations, and other  
11 matters the board considers appropriate.

12 (c) Before recommending that a fine be order under this section, the board shall provide  
13 the person or business written notice and the opportunity to request, with thirty (30) days of  
14 issuance of notice by the board, a hearing on the record.

15 (d) A person or business aggrieved by the ordering of a fine under this section may file an  
16 appeal with the superior court for judicial review of the ordering of a fine.

17 (e) If a person of business fails to pay the fine within thirty (30) days after entry of an order  
18 under (a) of this section, or if the order is stayed pending an appeal, within ten (10) days after the  
19 court enters a final judgment in favor of the department of an order appealed under (d) of this  
20 section, the director may commence a civil action to recover the amount of the fine.

21 **5-84-6. Cease and Desist Authority.**

22 If the director has reason to believe that any person, firm, corporation, or association is  
23 conducting any activity under the jurisdiction of the division of ~~design~~ [building, design and fire](#)  
24 professionals including professional engineering, professional land surveying, architecture, and/or  
25 landscape architecture without obtaining a license or registration, or who after the denial,  
26 suspension, or revocation of a license or registration is conducting that business, the director [or the](#)  
27 [director's designee](#) may, either on his or her own initiative or upon recommendation of the  
28 appropriate board, issue an order to that person, firm, corporation, or association commanding them  
29 to appear before the department at a hearing to be held not sooner than ten (10) days nor later than  
30 twenty (20) days after issuance of that order to show cause why the director [or the director's](#)  
31 [designee](#) should not issue an order to that person to cease and desist from the violation of the  
32 provisions of this chapter and/or chapters 1, 8, 8.1, [51](#) and/or ~~54~~ [65](#) of title 5. That order to show  
33 cause may be served on any person, firm, corporation, or association named by any person in the  
34 same manner that a summons in a civil action may be served, or by mailing a copy of the order,

1 certified mail, return receipt requested, to that person at any address at which that person has done  
2 business or at which that person lives. If during that hearing the director [or the director's designee](#)  
3 is satisfied that the person is in fact violating any provision of this chapter, the director [or the](#)  
4 [director's designee](#) may order that person, in writing, to cease and desist from that violation and/or  
5 impose an appropriate fine under § 5-84-5 or other applicable law and/or refer the matter to the  
6 attorney general for appropriate action under chapters 1, 8, 8.1, [51](#) and/or ~~51~~ 65 of title 5. All these  
7 hearings are governed in accordance with the administrative procedures act. If that person fails to  
8 comply with an order of the department after being afforded a hearing, the superior court for  
9 Providence county has jurisdiction upon complaint of the department to restrain and enjoin that  
10 person from violating chapters 1, 8, 8.1, 51, [65](#) and/or 84 of title 5.

11 **5-84-7. Electronic applications for certificates of authorization.**

12 All applications to the division of ~~design~~ [building, design and fire](#) professionals for  
13 certificates of authorization shall be submitted electronically through the department's electronic-  
14 licensing system, unless special permission to apply in paper format is requested by the applicant  
15 and granted by the director [or the director's designee](#).

16 SECTION 3. Sections 23-27.3-100.1.3, 23-27.3-107.3, 23-27.3-107.4 and 23-27.3-108.2  
17 of the General Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended as  
18 follows:

19 **23-27.3-100.1.3. Creation of the state building code standards committee.**

20 (a) There is created as an agency of state government a state building code standards  
21 committee who shall adopt, promulgate, and administer a state building code for the purpose of  
22 regulating the design, construction, and use of buildings or structures previously erected, in  
23 accordance with a rehabilitation building and fire code for existing buildings and structures  
24 developed pursuant to chapter 29.1 of this title, and to make any amendments to them as they, from  
25 time to time, deem necessary or desirable, the building code to include any code, rule, or regulation  
26 incorporated in the code by reference.

27 (b) A standing subcommittee is made part of the state building code standards committee  
28 to promulgate and administer a state housing and property maintenance code for the purpose of  
29 establishing minimum requirements and standards and to regulate the occupancy and use of existing  
30 premises, structures, buildings, equipment, and facilities, and to make amendments to them as  
31 deemed necessary.

32 (c) A joint committee, with membership as set forth in § 23-29.1-2(a) from the state  
33 building code standards committee, shall develop and recommend for adoption and promulgation,  
34 a rehabilitation building and fire code for existing buildings and structures, which code shall include

1 building code elements to be administered by the state building code standards committee as the  
2 authority having jurisdiction over the elements.

3 (d) The state building code standards committee shall be housed within the office of the  
4 state building commissioner.

5 **23-27.3-107.3. Appointment of personnel by state building commissioner.**

6 (a) The state building commissioner may appoint such other personnel as shall be necessary  
7 for the administration of the code. In the absence of a local building official or an alternate, as  
8 detailed in § 23-27.3-107.2, the commissioner shall assume the responsibility of the local building  
9 official and inspectors as required by § 23-27.3-107.4 and shall designate one of the following  
10 agents to enforce the code:

11 (1) A member of the commissioner's staff who meets the qualifications of § 23-27.3-107.5  
12 and is certified in accordance with § 23-27.3-107.6.

13 (2) An architect or engineer contracted by the commissioner through the department of  
14 ~~administration~~ business regulation.

15 (3) A building official who is selected from a list of previously certified officials or  
16 inspectors.

17 (b) The salary and operating expenses for services provided in accordance with subsection  
18 (a)(1), (2), or (3) shall be reimbursed to the state by the city or town receiving the services and shall  
19 be deposited as general revenues. The attorney general shall be informed of any failure of the  
20 appropriate local authority to appoint a local building official to enforce the code in accordance  
21 with §§ 23-27.3-107.1 or 23-27.3-107.2.

22 **23-27.3-107.4. Qualifications and duties of the state building commissioner.**

23 (a) The state building commissioner shall serve as the executive secretary to the state  
24 building code standards committee. In addition to the state building commissioner's other duties as  
25 set forth in this chapter, the state building commissioner shall assume the authority for the purpose  
26 of enforcing the provisions of the state building code in a municipality where there is no local  
27 building official.

28 (b) The state building commissioner shall be a member of the classified service, and for  
29 administrative purposes shall be assigned a position in the department of ~~administration~~ business  
30 regulation. Qualifications for the position of the state building commissioner shall be established  
31 in accordance with provisions of the classified service of the state, and shall include the provision  
32 that the qualifications include at least ten (10) years' experience in building or building regulations  
33 generally, and that the commissioner be an architect or professional engineer licensed in the state  
34 or a certified building official presently or previously employed by a municipality and having at

1 least ten (10) years' experience in the building construction or inspection field.

2 **23-27.3-108.2. State building commissioner's duties.**

3 (a) This code shall be enforced by the state building commissioner as to any structures or  
4 buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction  
5 of the state or any of its departments, commissions, agencies, or authorities established by an act  
6 of the general assembly, and as to any structures or buildings or parts thereof that are built upon  
7 any land owned by or under the jurisdiction of the state.

8 (b) Permit fees for the projects shall be established by the committee. The fees shall be  
9 deposited as general revenues.

10 (c)(1) The local cities and towns shall charge each permit applicant an additional .1 (.001)  
11 percent (levy) of the total construction cost for each permit issued. The levy shall be limited to a  
12 maximum of fifty dollars (\$50.00) for each of the permits issued for one and two (2) family  
13 dwellings. This additional levy shall be transmitted monthly to the building commission at the  
14 department of ~~administration~~ [business regulation](#), and shall be used to staff and support the  
15 purchase or lease and operation of a web-accessible service and/or system to be utilized by the state  
16 and municipalities for uniform, statewide electronic plan review, permit management and  
17 inspection system and other programs described in this chapter. The fee levy shall be deposited as  
18 general revenues.

19 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide  
20 process for electronic plan review, permit management and inspection.

21 (3) On or before December 1, 2013, the building commissioner, with the assistance of the  
22 office of regulatory reform, shall implement the standard statewide process for electronic plan  
23 review, permit management and inspection. In addition, the building commissioner shall develop  
24 a technology and implementation plan for a standard web-accessible service and/or system to be  
25 utilized by the state and municipalities for uniform, statewide electronic plan review, permit  
26 management and inspection.

27 (d) The building commissioner shall, upon request by any state contractor described in §  
28 37-2-38.1, review, and when all conditions for certification have been met, certify to the state  
29 controller that the payment conditions contained in § 37-2-38.1 have been met.

30 (e) The building commissioner shall coordinate the development and implementation of  
31 this section with the state fire marshal to assist with the implementation of § 23-28.2-6.

32 (f) The building commissioner shall submit, in coordination with the state fire marshal, a  
33 report to the governor and general assembly on or before April 1, 2013 and each April 1st thereafter,  
34 providing the status of the web-accessible service and/or system implementation and any

1 recommendations for process or system improvement.

2 SECTION 4. Sections 23-28.2-1, 23-28.2-5, 23-28.2-7, 23-28.2-14, 23-28.2-22, 23-28.2-  
3 23, 23-28.2-28 and 23-28.2-29 of Chapter 23-28.2 of the General Laws entitled “Division of Fire  
4 Safety” are hereby amended as follows:

5 **23-28.2-1. Establishment of division and office of the state fire marshal Establishment**  
6 **of office of the state fire marshal.**

7 There shall be ~~a division~~ an office of the state fire marshal within the department of ~~public~~  
8 ~~safety~~ business regulation's division of building, design and fire professionals, the head of which  
9 ~~division~~ office shall be the state fire marshal. The state fire marshal shall be appointed by the  
10 governor with the advice and consent of the senate and shall serve for a period of five (5) years.  
11 During the term the state fire marshal may be removed from office by the governor for just cause.  
12 All authority, powers, duties and responsibilities previously vested in the division of fire safety are  
13 hereby transferred to the ~~division~~ office of the state fire marshal.

14 **23-28.2-5. Bomb disposal unit.**

15 (a) Within the ~~division~~ office of the state fire marshal, there shall be a bomb disposal unit  
16 (bomb squad), accredited by the FBI as a bomb squad, whose duties it will be to handle and dispose  
17 of all hazardous devices suspect to be explosive or incendiary in construction which includes any  
18 weapons of mass destruction (WMD) that may be explosive or chemical in construction.

19 (b) The State Fire Marshal shall appoint a bomb technician to supervise the operations of  
20 this unit and the technician must be certified by the FBI as a bomb technician. The bomb technician  
21 must ensure that all bomb technicians are trained and maintain certification, the bomb squad  
22 maintains accreditation, and ensures that all equipment belonging to the bomb squad is maintained  
23 and in operating condition at all times. The bomb technician must also provide to cities and towns  
24 and local businesses or any other organizations procedures in bomb threats, and procedures where  
25 explosive devices or suspect devices are located.

26 (c) The State Fire Marshal shall appoint from the local communities volunteer assistant  
27 deputy state fire marshals, as bomb squad members only, to assist in carrying on the responsibilities  
28 of this unit. The volunteers, who must be available for immediate response when called upon, be  
29 available to participate in training sessions, shall be approved by their local fire or police chief, and  
30 must have their chief sign an agreement (memorandum of understanding) which provides for their  
31 release during emergencies and training and assumes liability for any injuries that may occur to  
32 them. All bomb squad members shall operate only under the direction of the State Bomb Squad  
33 Commander or senior ranking Deputy State Fire Marshal who is certified as a bomb technician.  
34 The bomb squad may also request assistance from the local fire and police authorities when

1 handling any explosive or incendiary device, WMD or post incident investigations.

2 **23-28.2-7. Office of state fire marshal.**

3 The state fire marshal shall be provided adequate offices ~~by the director of administration.~~  
4 [through the department of business regulation.](#)

5 **23-28.2-14. Enforcement.**

6 (a) Within the ~~division~~ [office of the state fire marshal](#), there shall be an enforcement unit  
7 responsible for the initiation of criminal prosecution of or civil proceedings against any person(s)  
8 in violation of the state Fire Safety Code or failure to comply with an order to abate conditions that  
9 constitute a violation of the Fire Safety Code, chapters 28.1 – 28.39 of this title, and any rules or  
10 regulations added thereunder and/or the general public laws of the state as they relate to fires, fire  
11 prevention, fire inspections, and fire investigations. This unit will consist of the state fire marshal,  
12 chief deputy state fire marshal, chief of technical services, explosive technician, assistant explosive  
13 technicians, and the arson investigative staff, each of whom must satisfactorily complete at the  
14 Rhode Island state police training academy an appropriate course of training in law enforcement or  
15 must have previously completed a comparable course. To fulfill their responsibilities, this unit shall  
16 have and may exercise in any part of the state all powers of sheriffs, deputy sheriffs, town sergeants,  
17 chiefs of police, police officers, and constables.

18 (b) The State Fire Marshal shall have the power to implement a system of enforcement to  
19 achieve compliance with the fire safety code, which shall include inspections as provided for in §  
20 23-28.2-20, the issuance of formal notices of violation in accordance with § 23-28.2-20.1, and the  
21 issuance of citations in a form approved by the State Fire Marshal and the Chief Judge of the District  
22 Court. The State Fire Marshal, and his or her designee(s) as outlined in this chapter, may use the  
23 above systems of enforcement individually or in any combination to enforce the State Fire Safety  
24 Code.

25 (c) The State Fire Marshal and all persons designated specifically in writing by the State  
26 Fire Marshal shall have the power to issue the citations referenced in this chapter.

27 (d) The following categories of violation of the Fire Safety Code that can be identified  
28 through inspection shall be considered criminal violations of the Fire Safety Code and be subject  
29 to the above issuance of citations:

30 (1) Impediments to Egress:

31 (A) Exit doors locked so as to prevent egress.

32 (B) Blocked means of egress (other than locking and includes any portion of the exit access,  
33 exit or exit discharge).

34 (C) Marking of exits or the routes to exits has become obstructed and is not clearly visible.

1 (D) Artificial lighting needed for orderly evacuation is not functioning properly (this  
2 section does not include emergency lighting).

3 (2) Maintenance:

4 (A) Required devices, equipment, system, condition, arrangement, or other features not  
5 continuously maintained.

6 (B) Equipment requiring periodic testing or operation, to ensure its maintenance, is not  
7 being tested or operated.

8 (C) Owner of building where a fire alarm system is installed has not provided written  
9 evidence that there is a testing and maintenance program in force providing for periodic testing of  
10 the system.

11 (D) Twenty-four hour emergency telephone number of building owner or owner's  
12 representative is not posted at the fire alarm control unit or the posted number is not current.

13 (3) Fire Department Access and Water Supply:

14 (A) The required width or length of a previously approved fire department access road (fire  
15 lane) is obstructed by parked vehicles or other impediments.

16 (B) Fire department access to fire hydrants or other approved water supplies is blocked or  
17 impeded.

18 (4) Fire Protection Systems:

19 (A) Obstructions are placed or kept near fire department inlet connections or fire protection  
20 system control valves preventing them from being either visible or accessible.

21 (B) The owner, designated agent or occupant of the property has not had required fire  
22 extinguishers inspected, maintained or recharged.

23 (5) Admissions supervised:

24 (A) Persons responsible for supervising admissions to places of assembly, and/or any sub-  
25 classifications thereof, have allowed admissions in excess of the maximum occupancy posted by  
26 the State Fire Marshal or his or her designee.

27 The terms used in the above categories of violation are defined in the definition sections of  
28 NFPA 1 and NFPA 101 as adopted pursuant to § 23-28.1-2 of this title.

29 (e) A building owner, responsible management, designated agent or occupant of the  
30 property receiving a citation may elect to plead guilty to the violation(s) and pay the fine(s) through  
31 the mail within ten (10) days of issuance, or appear in district court for an arraignment on the  
32 citation.

33 (f) Notwithstanding subsection (e) above, all recipients of third or subsequent citations,  
34 within a sixty (60) month period, shall appear in district court for a hearing on the citation. If not

1 paid by mail he, she or it shall appear to be arraigned on the criminal complaint on the date indicated  
2 on the citation. If the recipient(s) fails to appear, the district court shall issue a warrant of arrest.

3 (g) The failure of a recipient to either pay the citation through the mail within ten (10) days,  
4 where permitted under this section, or to appear in district court on the date specified shall be cause  
5 for the district court to issue a warrant of arrest with the penalty assessed and an additional five  
6 hundred dollar (\$500) fine.

7 (h) A building owner, responsible management, designated agent or occupant of the  
8 property who receives the citation(s) referenced in this section shall be subject to civil fine(s), which  
9 fine(s) shall be used for fire prevention purposes by the jurisdiction that issues the citation(s), as  
10 follows:

11 (1) A fine of two hundred fifty dollars (\$250) for the first violation within any sixty (60)  
12 month period;

13 (2) A fine of five hundred dollars (\$500) for the second violation within any sixty (60)  
14 month period;

15 (3) A fine of one thousand dollars (\$1,000) for the third and any subsequent violation(s)  
16 within any sixty (60) month period;

17 (i) No citation(s) as defined in this section, shall be issued pursuant to a search conducted  
18 under an administrative search warrant secured pursuant to § 23-28.2-20(c) of this code. Any  
19 citation mistakenly issued in violation of this subsection (i) shall be void and unenforceable.

20 (j) The District Court shall have full equity power to hear and address these matters.

21 (k) All violations, listed within subsection (d) above, shall further be corrected within a  
22 reasonable period of time established by the State Fire Marshal or his or her designee.

23 **23-28.2-22. Fire education and training unit.**

24 (a) There shall be a fire education and training unit within the ~~division of fire safety office~~  
25 [of the state fire marshal](#) headed by a director of fire training. The director of fire training shall be  
26 appointed by the fire marshal from a list of names submitted by the fire education and training  
27 coordinating board based on recommendations of a screening committee of that board. Other staff  
28 and resources, such as part time instructors, shall be requested consistent with the state budget  
29 process.

30 (b) This unit shall be responsible for implementing fire education and training programs  
31 developed by the fire education and training coordinating board.

32 **23-28.2-23. Fire education and training coordinating board.**

33 (a) There is hereby created within the ~~division of fire safety office~~ [office of the state fire marshal](#)  
34 a fire education and training coordinating board comprised of thirteen (13) members appointed by

1 the governor with the advice and consent of the senate. In making said appointments, the governor  
2 shall give due consideration to including in the board's membership representatives of the following  
3 groups:

4 (1) Chiefs of fire departments with predominately fully paid personnel, defined as  
5 departments in which the vast majority of members are full-time, salaried personnel.

6 (2) Chiefs of fire departments with part paid/combo personnel, defined as  
7 departments in which members consist of both full-time salaried personnel and a large percentage  
8 of volunteer or call personnel.

9 (3) Chiefs of fire departments with predominately volunteer personnel, defined as  
10 departments in which the vast majority of members respond voluntarily and receive little or no  
11 compensation.

12 (4) Rhode Island firefighters' instructor's association.

13 (5) Rhode Island department of environmental management.

14 (6) Rhode Island fire safety association.

15 (7) Rhode Island state firefighter's league.

16 (8) Rhode Island association of firefighters.

17 (9) Regional firefighters leagues.

18 (b) The state fire marshal and the chief of training and education shall serve as ex-officio  
19 members.

20 (c) Members of the board as of March 29, 2006 shall continue to serve for the balance of  
21 their current terms. Thereafter, members shall be appointed to three (3) year terms. No person shall  
22 serve more than two (2) consecutive terms, except that service on the board for a term of less than  
23 two (2) years resulting from an initial appointment or an appointment for the remainder of an  
24 unexpired term shall not constitute a full term.

25 (d) Members shall hold office until a successor is appointed, and no member shall serve  
26 beyond the time he or she ceases to hold office or employment by reason of which he or she was  
27 eligible for appointment.

28 (e) All gubernatorial appointments made after March 29, 2006 shall be subject to the advice  
29 and consent of the senate. No person shall be eligible for appointment to the board after March 29,  
30 2006 unless he or she is a resident of this state.

31 (f) Members shall serve without compensation, but shall receive travel expenses in the  
32 same amount per mile approved for state employees.

33 (g) The board shall meet at the call of the chairperson or upon written petition of a majority  
34 of the members, but not less than six (6) times per year.

- 1 (h) Staff support to the board will be provided by the state fire marshal.
- 2 (i) The board shall:
- 3 (1) Establish bylaws to govern operational procedures not addressed by legislation.
- 4 (2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to be  
5 established by the board.
- 6 (3) Develop and offer training programs for fire fighters and fire officers based on  
7 applicable NFPA standards used to produce training and education courses.
- 8 (4) Develop and offer state certification programs for instructors based on NFPA standards.
- 9 (5) Monitor and evaluate all programs to determine their effectiveness.
- 10 (6) Establish a fee structure in an amount necessary to cover costs of implementing the  
11 programs.
- 12 (7) Within ninety (90) days after the end of each fiscal year, approve and submit an annual  
13 report to the governor, the speaker of the house of representatives, the president of the senate, and  
14 the secretary of state of its activities during that fiscal year. The report shall provide: an operating  
15 statement summarizing meetings or hearing held, including meeting minutes, subjects addressed,  
16 decisions rendered, rules or regulations promulgated, studies conducted, policies and plans  
17 developed, approved or modified and programs administered or initiated; a consolidated financial  
18 statement of all funds received and expended including the source of the funds, a listing of any staff  
19 supported by these funds, and a summary of any clerical, administrative or technical support  
20 received; a summary of performance during the previous fiscal year including accomplishments,  
21 shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters  
22 related to the authority of the council; a summary of any training courses held pursuant to the  
23 provisions of this section; a briefing on anticipated activities in the upcoming fiscal year and  
24 findings and recommendations for improvements. The report shall be posted electronically on the  
25 general assembly and secretary of state's websites as prescribed in § 42-20-8.2. The director of the  
26 department of administration shall be responsible for the enforcement of the provisions of this  
27 subsection.
- 28 (8) Conduct a training course for newly appointed and qualified members within six (6)  
29 months of their qualification or designation. The course shall be developed by the chair of the  
30 board, approved by the board, and conducted by the chair of the board. The board may approve the  
31 use of any board or staff members or other individuals to assist with training. The training course  
32 shall include instruction in the following areas: the provisions of chapters 42-46, 36-14, and 38-2;  
33 and the commission's rules and regulations. The state fire marshal shall, within ninety (90) days of  
34 March 29, 2006, prepare and disseminate training materials relating to the provisions of chapters

1 42-46, 36-14, and 38-2.

2 (j) In an effort to prevent potential conflicts of interest, any fire education and training  
3 coordinating board member shall not simultaneously serve as a paid instructor and/or administrator  
4 within the fire education and training unit.

5 (k) A quorum for conducting all business before the board, shall be at least seven (7)  
6 members.

7 (l) Members of the board shall be removable by the governor pursuant to the provisions of  
8 § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons  
9 unrelated to capacity or fitness for the office shall be unlawful.

10 **23-28.2-28. Rhode Island state firefighter's league grant account.**

11 (a) There is hereby created within the department of ~~public safety~~ [business regulation](#) a  
12 restricted receipt account to be known as the Rhode Island state firefighter's league grant account.  
13 Donations received from the Rhode Island state firefighter's league shall be deposited into this  
14 account, and shall be used solely to fund education and training programs for firefighters in the  
15 state.

16 (b) All amounts deposited in the Rhode Island state firefighter's league grant account shall  
17 be exempt from the indirect cost recovery provisions of § 35-4-27.

18 **23-28.2-29. Fire academy training fees restricted receipt account.**

19 There is hereby created with the department of ~~public safety~~ [business regulation](#) a restricted  
20 receipt account to be known as the fire academy training fees account. All receipts collected  
21 pursuant to § 23-28.2-23 shall be deposited in this account and shall be used to fund costs associated  
22 with the fire training academy. All amounts deposited into the fire academy training restricted  
23 receipt account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

24 SECTION 5. Section 23-34.1-3 of Chapter 23-34.1 of the General Laws entitled  
25 "Amusement Ride Safety Act" is hereby amended as follows:

26 **23-34.1-3. Definitions.**

27 As used in this chapter:

28 (1) "Altered ride" means a ride or device that has been altered with the approval of the  
29 manufacturer.

30 (2) "Amusement attraction" means any building or structure around, over, or through which  
31 persons may move to walk, without the aid of any moving device integral to the building or  
32 structure, which provides amusement, pleasure, thrills, or excitement. Excluded are air structures  
33 ("moonwalks"), arenas, stadiums, theatres, nonmechanical amusement structures commonly  
34 located in or around day care centers, schools, commercial establishments, malls, fast food

1 restaurants, and convention halls. This does not include enterprises principally devoted to the  
2 exhibition of products of agriculture, industry, education, science, religion, or the arts.

3 (3) "Amusement ride" means any mechanical device which carries, suspends or conveys  
4 passengers along, around, or over a fixed or restricted route or course or within a defined area, for  
5 the purpose of giving its passengers amusement, pleasure, thrills, or excitement. For the purposes  
6 of this act, any dry slide over twenty (20) feet in height is also included. This term shall not include  
7 hayrides (whether pulled by motor vehicle or horse), any coin-operated ride that is manually,  
8 mechanically or electrically operated and customarily placed in a public location and that does not  
9 normally require the supervision or services of an operator or nonmechanical devices with  
10 nonmoving parts, including, but not limited to, walk-through amusement attractions, slides, and air  
11 structures ("moonwalks").

12 (4) "Bazaar" means an enterprise principally devoted to the exhibition of products of crafts  
13 and art, to which the operation of amusement rides or devices or concession booths is an adjunct.

14 (5) "Carnival" means a transient enterprise offering amusement or entertainment to the  
15 public in, upon or by means of amusement devices, rides or concession booths.

16 (6) "Certificate to operate" means that document which indicates that the temporary  
17 amusement device has undergone the inspection required after setup. It shall show the date of  
18 inspection, the location of the inspection, the name of the inspector, and the maximum amount of  
19 weight allowed per car or rideable unit.

20 (7) "Commissioner" means the state building commissioner.

21 (8) "Department" means the department of ~~administration~~ [business regulation](#).

22 (9) "Director" means the director of the department of ~~administration~~ [business regulation](#).

23 (10) "Fair" means an enterprise principally devoted to the exhibition of products of  
24 agriculture or industry, to which the operation of amusement rides or devices or concession booths  
25 is an adjunct.

26 (11) "Home-made ride or device" means a ride or device that was not manufactured by a  
27 recognized ride or device manufacturer or any ride or device which has been substantially altered  
28 without the approval of the manufacturer.

29 (12) "Inspection" means the physical examination of an amusement ride or device made  
30 by the commissioner, or his authorized representative, prior to operating the amusement device for  
31 the purpose of approving the application for a license.

32 (13) "Kiddie ride" means a device designed primarily to carry a specific number of children  
33 in a fixture suitable for conveying children up to forty-two inches (42") in height or ride  
34 manufacturer specifications.

1 (14) "Major alteration" means a change in the type, capacity, structure or mechanism of an  
2 amusement device. This includes any change that would require approval of the ride manufacturer  
3 or an engineer.

4 (15) "Major ride" means a device designed to carry a specific maximum number of  
5 passengers, adults and children, in a fixture suitable for conveying persons.

6 (16) "Manager" means a person having possession, custody, or managerial control of an  
7 amusement device, amusement attraction, or temporary structure, whether as owner, lessee, or  
8 agent or otherwise.

9 (17) "Owner" means the person or persons holding title to, or having possession or control  
10 of the amusement ride or device or concession booth.

11 (18) "Permanent amusement ride" means an amusement ride which is erected to remain a  
12 lasting part of the premises.

13 (19) "Permit" means that document which signifies that the amusement device or  
14 amusement attraction has undergone and passed its annual inspection. The department shall affix a  
15 decal which clearly shows the month and year of expiration.

16 (20) "Qualified licensed engineer" means a licensed mechanical engineer who has at least  
17 five (5) years of experience in his or her field and has experience in amusement ride inspection.

18 (21) "Reinspection" means an inspection which is made at any time after the initial  
19 inspection.

20 (22) "Repair" means to restore an amusement ride to a condition equal to or better than the  
21 original design specifications.

22 (23) "Ride file jacket" means a file concerning an individual amusement ride or device  
23 which contains nondestructive test reports on the testing firm's official letterhead; the name of the  
24 ride, the manufacturer and date of manufacture; maintenance records; records of any alterations;  
25 ride serial number; daily check lists and engineer's reports and proof of insurance. Non-destructive  
26 test reports shall not be required on any rides which are nonmechanical and which are not provided  
27 by the manufacturer with said amusement ride.

28 (24) "Ride operator" means the person in charge of an amusement ride or device and who  
29 causes the amusement ride or device to operate.

30 (25) "Serious injury" means an injury requiring a minimum of one overnight stay in a  
31 hospital for treatment or observation.

32 (26) "Stop order" means any order issued by an inspector for the temporary cessation of a  
33 ride or device.

34 (27) "Temporary amusement device" means a device which is used as an amusement

1 device or amusement attraction that is regularly relocated from time to time, with or without  
2 disassembly.

3 SECTION 6. Section 42-7.3-3 of the General Laws in Chapter 42-7.3 entitled "Department  
4 of Public Safety" is hereby amended as follows:

5 **42-7.3-3. Powers and duties of the department.**

6 The department of public safety shall be responsible for the management and  
7 administration of the following divisions and agencies:

- 8 (a) Office of the capitol police (chapter 2.2 of title 12).  
9 (b) ~~State fire marshal (chapter 28.2 of title 23)~~  
10 (c) E-911 emergency telephone system division (chapter 28.2 of title 39).  
11 (d) Rhode Island state police (chapter 28 of title 42).  
12 (e) Municipal police training academy (chapter 28.2 of title 42).  
13 (f) Division of sheriffs (chapter 7.3 of title 42).

14 SECTION 7. Section 42-11-2.9 of the General Laws in Chapter 42-11 entitled "Department  
15 of Administration" is hereby amended as follows:

16 **42-11-2.9. Division of capital asset management and maintenance established.**

17 (a) Establishment. Within the department of administration there shall be established the  
18 division of capital asset management and maintenance ("DCAMM"). Any prior references to the  
19 division of facilities management and/or capital projects, if any, shall now mean DCAMM. Within  
20 the DCAMM there shall be a director of DCAMM who shall be in the classified service and shall  
21 be appointed by the director of administration. The director of DCAMM shall have the following  
22 responsibilities:

- 23 (1) Oversee, coordinate, and manage the operating budget, personnel, and functions of  
24 DCAMM in carrying out the duties described below;  
25 (2) Review agency capital-budget requests to ensure that the request is consistent with  
26 strategic and master facility plans for the state of Rhode Island;  
27 (3) Promulgate and adopt regulations necessary to carry out the purposes of this section.

28 (b) Purpose. The purpose of the DCAMM shall be to manage and maintain state property  
29 and state-owned facilities in a manner that meets the highest standards of health, safety, security,  
30 accessibility, energy efficiency, and comfort for citizens and state employees and ensures  
31 appropriate and timely investments are made for state property and facility maintenance.

32 (c) Duties and responsibilities of DCAMM. DCAMM shall have the following duties and  
33 responsibilities:

- 34 (1) To oversee all new construction and rehabilitation projects on state property, not

1 including property otherwise assigned outside of the executive department by Rhode Island general  
2 laws or under the control and supervision of the judicial branch;

3 (2) To assist the department of administration in fulfilling any and all capital-asset and  
4 maintenance-related statutory duties assigned to the department under chapter 8 of title 37 (public  
5 buildings) or any other provision of law, including, but not limited to, the following statutory duties  
6 provided in § 42-11-2:

7 (i) To maintain, equip, and keep in repair the state house, state office buildings, and other  
8 premises, owned or rented by the state, for the use of any department or agency, excepting those  
9 buildings, the control of which is vested by law in some other agency;

10 (ii) To provide for the periodic inspection, appraisal, or inventory of all state buildings and  
11 property, real and personal;

12 (iii) To require reports from state agencies on the buildings property in their custody;

13 (iv) To issue regulations to govern the protection and custody of the property of the state;

14 (v) To assign office and storage space, and to rent and lease land and buildings, for the use  
15 of the several state departments and agencies in the manner provided by law;

16 (vi) To control and supervise the acquisition, operation, maintenance, repair, and  
17 replacement of state-owned motor vehicles by state agencies;

18 (3) To generally manage, oversee, protect, and care for the state's properties and facilities,  
19 not otherwise assigned by Rhode Island general laws, including, but not limited to, the following  
20 duties:

21 (i) Space management, procurement, usage, and/or leasing of private or public space;

22 (ii) Care, maintenance, cleaning, and contracting for such services as necessary for state  
23 property;

24 (iii) Capital equipment replacement;

25 (iv) Security of state property and facilities unless otherwise provided by law;

26 (v) Ensuring Americans with Disabilities Act (ADA) compliance;

27 (vi) Responding to facilities emergencies;

28 (vii) Managing traffic flow on state property;

29 (viii) Grounds keeping/landscaping/snow-removal services;

30 (ix) Maintenance and protection of artwork and historic artifacts;

31 (4) To manage and oversee state fleet operations.

32 (d) All state agencies shall participate in a statewide database and/or information system  
33 for capital assets, that shall be established and maintained by DCAMM.

34 (e) Offices and boards assigned to DCAMM. DCAMM shall oversee the following boards,

1 offices, and functions:

- 2 (1) Office of planning, design, and construction (PDC);
- 3 (2) Office of facilities management and maintenance (OFMM);
- 4 (3) ~~Contractors' registration and licensing board (§ 5-65-1 seq.);~~
- 5 (4) ~~State building code (§ 23-27.3-1 et seq.);~~
- 6 (5) Office of risk management (§ 37-11-1 et seq.);
- 7 (6) ~~Fire safety code board of appeal and review (§ 23-28.3-1 et seq.);~~
- 8 (7) Office of state fleet operations (§ 42-11-2.4(d)).

9 (f) The boards, offices, and functions assigned to DCAMM shall:

10 (1) Exercise their respective powers and duties in accordance with their statutory authority  
11 and the general policy established by the director of DCAMM or in accordance with the powers  
12 and authorities conferred upon the director of DCAMM by this section;

13 (2) Provide such assistance or resources as may be requested or required by the director of  
14 DCAMM or the director of administration;

15 (3) Provide such records and information as may be requested or required by the director  
16 of DCAMM or the director of administration; and

17 (4) Except as provided herein, no provision of this chapter or application thereof shall be  
18 construed to limit or otherwise restrict the offices stated above from fulfilling any statutory  
19 requirement or complying with any valid rule or regulation.

20 SECTION 8. Sections 42-14-1, 42-14-2, 42-14-4, 42-14-5, 42-14-6, 42-14-7, 42-14-8, 42-  
21 14-11, 42-14-16 and 42-14-16.1 of the General Laws in Chapter 42-14 entitled "Department of  
22 Business Regulation" are hereby amended as follows:

23 **42-14-1. Establishment – Head of department.**

24 There shall be a department of business regulation. The head of the department shall be the  
25 director of business regulation who ~~shall carry out~~, except as otherwise provided by this title, shall  
26 carry out this chapter; ~~chapters 1, 2, and 4—12, inclusive, of title 3; chapters 3, 20.5, 38, 49, 52, 53~~  
27 ~~and 58 of title 5; chapter 31 of title 6; chapter 11 of title 7; chapters 1—29, inclusive, of title 19,~~  
28 ~~except § 19-24-6; chapter 28.6 of title 21; chapter 26 of title 23; chapters 1—36, inclusive, of title~~  
29 ~~27. The director of business regulation shall also~~ and perform the duties required by any and all  
30 other provisions of the general laws and public laws insofar as those provisions relate to ~~the director~~  
31 ~~of revenue and regulation, chief of the division of banking and insurance, chief of the division of~~  
32 ~~intoxicating beverages, and~~ each of the divisions and licensing and regulatory areas within the  
33 jurisdiction of the department, ~~except as otherwise provided by this title.~~

34 **42-14-2. Functions of department.**

- 1 (a) It shall be the function of the department of business regulation:
- 2 (1) ~~To regulate and control banking and insurance, foreign surety companies, sale of~~
- 3 ~~securities, building and loan associations, fraternal benefit and beneficiary societies;~~
- 4 (2) ~~To regulate and control the manufacture, transportation, possession, and sale of~~
- 5 ~~alcoholic beverages;~~
- 6 (3) ~~To license and regulate the manufacture and sale of articles of bedding, upholstered~~
- 7 ~~furniture, and filling materials;~~
- 8 (4) ~~To regulate the licensing of compassion centers, licensed cultivators, and cooperative~~
- 9 ~~cultivations pursuant to chapter 28.6 of title 21 of the general laws to license, regulate and control~~
- 10 ~~all areas as required by this chapter and any and all other provisions of the general laws and public~~
- 11 ~~laws.~~

12 (b) Whenever any hearing is required or permitted to be held pursuant to law or regulation

13 of the department of business regulation, and whenever no statutory provision exists providing that

14 notice be given to interested parties prior to the hearing, no such hearing shall be held without

15 notice in writing being given at least ten (10) days prior to such hearing to all interested parties.

16 For purposes of this section, an "interested party" shall be deemed to include the party subject to

17 regulation hereunder, ~~the Rhode Island consumers' council~~, and any party entitled to appear at the

18 hearing. Notice to the party that will be subject to regulation, ~~the Rhode Island consumers' council~~

19 ~~[Repealed]~~, and any party who has made known his or her intention to appear at the hearing shall

20 be sufficient if it be in writing and mailed, first class mail, to the party at his or her regular business

21 address. Notice to the general public shall be sufficient hereunder if it be by publication in a

22 newspaper of general circulation in the municipality affected by the regulation.

23 ~~42-14-4. Banking and insurance financial services divisions~~ **Financial services**

24 **division.**

25 Within the department of business regulation there shall be a division of financial services

26 that oversees the regulation and control of banking ~~division~~ and ~~an~~ insurance ~~division~~ and such

27 other matters within the jurisdiction of the department as determined by the director. The ~~divisions~~

28 division shall have offices which shall be assigned to ~~them~~ it by the department of administration.

29 ~~A s~~ Superintendents ~~shall be in charge of each division, of banking and insurance~~ reporting

30 to the director, ~~deputy director~~ and/or health insurance commissioner as appropriate shall be in

31 charge of all matters relating to banking and insurance.

32 ~~42-14-5. Administrator~~ **Superintendents of banking and insurance**

33 **Superintendents**

34 **of banking and insurance.**

(a) The ~~director of business regulation shall, in addition to his or her regular duties, act as~~

1 ~~administrator of banking and insurance and~~ superintendents of banking and insurance shall  
2 administer the functions of the department relating to the regulation and control of banking and  
3 insurance, ~~foreign surety companies, sale of securities, building and loan associations, and fraternal~~  
4 ~~benefit and beneficiary societies.~~

5 (b) Wherever the words "banking administrator" or "banking commissioner" or "insurance  
6 administrator" or "insurance commissioner" occur in this chapter or any general law, public law,  
7 act, or resolution of the general assembly or department regulation, they shall be construed to mean  
8 superintendent of banking ~~commissioner~~ and superintendent of insurance ~~commissioner~~ except as  
9 delineated in subsection (d) below.

10 (c) "Health insurance" shall mean "health insurance coverage," as defined in §§ 27-18.5-2  
11 and 27-18.6-2, "health benefit plan," as defined in § 27-50-3 and a "medical supplement policy,"  
12 as defined in § 27-18.2-1 or coverage similar to a Medicare supplement policy that is issued to an  
13 employer to cover retirees, and dental coverage, including, but not limited to, coverage provided  
14 by a nonprofit dental service plan as defined in subsection 27-20.1-1(3).

15 (d) Whenever the words "commissioner," "insurance commissioner", "Health insurance  
16 commissioner" or "director" appear in Title 27 or Title 42, those words shall be construed to mean  
17 the health insurance commissioner established pursuant to § 42-14.5-1 with respect to all matters  
18 relating to health insurance. The health insurance commissioner shall have sole and exclusive  
19 jurisdiction over enforcement of those statutes with respect to all matters relating to health  
20 insurance.

21 (e) Whenever the word "director" appears or is a defined term in Title 19, this word shall  
22 be construed to mean the superintendent of banking established pursuant to this section.

23 (f) Whenever the word "director" or "commissioner" appears or is a defined term in Title  
24 27, this word shall be construed to mean the superintendent of insurance established pursuant to  
25 this section except as delineated in subsection (d) of this section.

26 ~~42-14-6. Restrictions on interests of administrator superintendents~~ **Restrictions on**  
27 **interests of superintendents.**

28 The ~~administrator~~ superintendents of banking and insurance shall not engage in any other  
29 business or be an officer of or directly or indirectly interested in any national bank doing business  
30 in this state, or in any bank, savings bank, or trust company organized under the laws of this state,  
31 nor be directly or indirectly interested in any corporation, business, or occupation that requires his  
32 or her official supervision; absent compliance with § 42-14-6.1, ~~nor shall the administrator no~~  
33 superintendent shall become indebted to any bank, savings bank, or trust company organized under  
34 the laws of this state, nor shall he or she engage or be interested in the sale of securities as a business,

1 or in the negotiation of loans for others.

2 **42-14-7. ~~Deputies to administrator superintendents~~ Deputies to superintendents.**

3 The ~~administrator~~ superintendent of banking and the superintendent of insurance may  
4 appoint one or more deputies to assist him or her in the performance of his or her duties, who shall  
5 be removable at the pleasure of the ~~administrator~~ superintendent, and the ~~administrator~~  
6 superintendent in his or her official capacity shall be liable for any deputy's misconduct or neglect  
7 of duty in the performance of his or her official duties. Service of process upon any deputy, or at  
8 the office of the ~~administrator~~ superintendent upon some person there employed, at any time, shall  
9 be as effectual as service upon the ~~administrator~~ superintendent.

10 **42-14-8. Clerical assistance and expenses.**

11 The ~~administrator~~ superintendent of banking and the superintendent of insurance may  
12 employ such clerical assistance and incur such office and traveling expenses for him or herself, his  
13 or her deputies and assistants as may be necessary in the performance of his or her other duties, and  
14 as provided by this title, within the amounts appropriated therefor.

15 **42-14-11. Subpoena power – False swearing.**

16 (a) In connection with any matters having to do with the discharge of his or her duties  
17 pursuant to this chapter, the director or his or her designee, in all cases of every nature pending  
18 before him or her, is hereby authorized and empowered to summon witnesses to attend and testify  
19 in like manner as in either the supreme or the superior courts. The director or his or her designee is  
20 authorized to compel the production of all papers, books, documents, records, certificates or other  
21 legal evidence that may be necessary for the determination and the decision of any question or the  
22 discharge of any duty required by law of the department, including the functions of the ~~director as~~  
23 ~~a member of the board of bank incorporation and board of building loan association incorporation~~  
24 superintendents of banking and insurance, by issuing a subpoena duces tecum signed by the director  
25 or his or her designee.

26 (b) Every person who disobeys this writ shall be considered in contempt of the department,  
27 and the department may punish that and any other contempt of the authority in like manner as  
28 contempt may be punished in either the supreme or the superior court.

29 (c) Any person who shall willfully swear falsely in any proceedings, matter or hearing  
30 before the department shall be deemed guilty of the crime of perjury.

31 **42-14-16. Insurance – Administrative penalties.**

32 (a) Whenever the director or his or her designee shall have cause to believe that a violation  
33 of title 27 and/or chapters 14, 14.5, 62 or 128.1 of title 42 or the regulations promulgated thereunder  
34 has occurred by a licensee, or any person or entity conducting any activities requiring licensure

1 under title 27, the director [or his or her designee](#) may, in accordance with the requirements of the  
2 Administrative Procedures Act, chapter 35 of this title:

3 (1) Revoke or suspend a license;

4 (2) Levy an administrative penalty in an amount not less than one hundred dollars (\$100)  
5 nor more than fifty thousand dollars (\$50,000);

6 (3) Order the violator to cease such actions;

7 (4) Require the licensee or person or entity conducting any activities requiring licensure  
8 under title 27 to take such actions as are necessary to comply with title 27 and/or chapters 14, 14.5,  
9 62, or 128.1 of title 42, or the regulations thereunder; or

10 (5) Any combination of the above penalties.

11 (b) Any monetary penalties assessed pursuant to this section shall be as general revenues.

12 **42-14-16.1. Order to cease and desist.**

13 (a) If the director [or his or her designee](#) has reason to believe that any person, firm,  
14 corporation or association is conducting any activities requiring licensure under title 27 [or any other](#)  
15 [provisions of the general laws or public laws within the jurisdiction of the department](#) without  
16 obtaining a license, or who after the denial, suspension or revocation of a license conducts any  
17 activities requiring licensure under title 27 [or any other provisions of the general laws or public](#)  
18 [laws within the jurisdiction of the department](#), the department may issue its order to that person,  
19 firm, corporation or association commanding them to appear before the department at a hearing to  
20 be held no sooner than ten (10) days nor later than twenty (20) days after issuance of that order to  
21 show cause why the department should not issue an order to that person to cease and desist from  
22 the violation of the provisions of ~~title 27~~ [applicable law](#).

23 (b) The order to show cause may be served on any person, firm, corporation or association  
24 named in the order in the same manner that summons in a civil action may be served, or by mailing  
25 a copy of the order, certified mail, return receipt requested, to that person at any address at which  
26 he or she has done business or at which he or she lives. If, upon that hearing, the department is  
27 satisfied that the person is in fact violating any provision of ~~title 27~~ [applicable law](#), then the  
28 department may order that person, in writing, to cease and desist from that violation.

29 (c) All hearings shall be governed in accordance with chapter 35 of this title, the  
30 "Administrative Procedures Act." If that person fails to comply with an order of the department  
31 after being afforded a hearing, the superior court in Providence county has jurisdiction upon  
32 complaint of the department to restrain and enjoin that person from violating this chapter.

33 SECTION 9. Section 42-28-3 of the General Laws in Chapter 42-28 entitled "State Police"  
34 is hereby amended as follows:

1           **42-28-3. Scope of responsibilities.**

2           (a) The Rhode Island state police and the superintendent shall be charged with the  
3 responsibility of:

- 4           (1) Providing a uniformed force for law enforcement;  
5           (2) Preparing rules and regulations for law enforcement;  
6           (3) Maintaining facilities for crime detection and suppression; and  
7           (4) Controlling traffic and maintaining safety on the highways.

8           (b) ~~The superintendent shall be ex officio state fire marshal.~~

9           (c) The superintendent shall also serve as the director of the department of public safety.

10          SECTION 10. Section 42-28-26 of the General Laws in Chapter 42-28 entitled "State  
11 Police" is hereby repealed.

12           **~~42-28-26. Location of school.~~**

13           ~~The municipal police training school shall be maintained by the state and located on the~~  
14 ~~premises of the University of Rhode Island and such other state owned property as the~~  
15 ~~superintendent of the state police, with the consent of the governor, may from time to time~~  
16 ~~determine.~~

17          SECTION 11. Section 42-133-6 of the General Laws in Chapter entitled "Tobacco  
18 Settlement Financing Corporation Act" is hereby amended to read as follows:

19           **42-133-6. Board and officers.**

20           (a)(1) The powers of the corporation shall be vested in a board consisting of five (5)  
21 members, which shall constitute the governing body of the corporation, and which shall be  
22 comprised as follows: ~~two (2) members of the state investment commission to be appointed by the~~  
23 ~~governor who shall give due consideration to the recommendation of the chair of the investment~~  
24 ~~commission, the state budget officer, who shall serve as chairperson, the general treasurer or~~  
25 ~~designee, the director of revenue or designee~~ and ~~three (3)~~ two (2) members of the general public  
26 appointed by the governor with the advice and consent of the senate. Each public member shall  
27 serve for a term of ~~two (2)~~ four (4) years, except that any member appointed to fill a vacancy shall  
28 serve only until the expiration of the unexpired term of such member's predecessor in office. Each  
29 member shall continue to hold office until a successor has been appointed. Members shall be  
30 eligible for reappointment. No person shall be eligible for appointment unless such person is a  
31 resident of the state. Each member, before entering upon the duties of the office of member, shall  
32 swear or solemnly affirm to administer the duties of office faithfully and impartially, and such oath  
33 or affirmation shall be filed in the office of the secretary of state.

34           (2) ~~Those members of the board as of July 9, 2005 who were appointed to the board by~~

1 ~~members of the general assembly shall cease to be members of the board on July 9, 2005, and the~~  
2 ~~governor shall thereupon seek recommendations from the chair of the state investment commission~~  
3 ~~for him or her duly to consider for the appointment of two (2) members thereof. Those members of~~  
4 ~~the board as of July 9, 2005 who were appointed to the board by the governor shall continue to~~  
5 ~~serve the balance of their current terms.~~

6 (3) Newly appointed and qualified public members shall, within six (6) months of their  
7 qualification or designation, attend a training course that shall be developed with board approval  
8 and conducted by the chair of the board and shall include instruction in the subject area of chapters  
9 46 of this title, 133 of this title, 14 of title 36, and 2 of title 38; and the board's rules and regulations.  
10 The director of the department of administration shall, within ninety (90) days of July 9, 2005,  
11 prepare and disseminate training materials relating to the provisions of chapters 46 of this title, 14  
12 of title 36 and 2 of title 38.

13 (b) Members shall receive no compensation for the performance of their duties.

14 (c) ~~The board shall elect one of its members to serve as chairperson.~~ Three (3) members  
15 shall constitute a quorum, and any action to be taken by the corporation under the provisions of this  
16 chapter may be authorized by resolution approved by a majority of the members present and voting  
17 at any regular or special meeting at which a quorum is present.

18 (d) ~~In addition to electing a chairperson, the~~ The board shall appoint a secretary and such  
19 additional officers as it shall deem appropriate.

20 (e) Any action taken by the corporation under the provisions of this chapter may be  
21 authorized by vote at any regular or special meeting, and the vote shall take effect immediately.

22 (f) Any action required by this chapter to be taken at a meeting of the board shall comply  
23 with chapter 46 of this title, entitled "Open Meetings."

24 (g) To the extent that administrative assistance is needed for the functions and operations  
25 of the board, the corporation may by contract or agreement obtain this assistance from the director  
26 of administration, the attorney general, and any successor officer at such cost to the corporation as  
27 shall be established by such contract or agreement. The board, however, shall remain responsible  
28 for, and provide oversight of, proper implementation of this chapter.

29 (h) Members of the board and persons acting on the corporation's behalf, while acting  
30 within the scope of their employment or agency, are not subject to personal liability resulting from  
31 carrying out the powers and duties conferred on them under this chapter.

32 (i) The state shall indemnify and hold harmless every past, present, or future board member,  
33 officer or employee of the corporation who is made a party to or is required to testify in any action,  
34 investigation, or other proceeding in connection with or arising out of the performance or alleged

1 lack of performance of that person's duties on behalf of the corporation. These persons shall be  
2 indemnified and held harmless, whether they are sued individually or in their capacities as board  
3 members, officers or employees of the corporation, for all expenses, legal fees and/or costs incurred  
4 by them during or resulting from the proceedings, and for any award or judgment arising out of  
5 their service to the corporation that is not paid by the corporation and is sought to be enforced  
6 against a person individually, as expenses, legal fees, costs, awards or judgments occur; provided,  
7 that neither the state nor the corporation shall indemnify any member, officer, or employee:

8 (1) For acts or omissions not in good faith or which involve intentional misconduct or a  
9 knowing violation of law;

10 (2) For any transaction from which the member derived an improper personal benefit; or

11 (3) For any malicious act.

12 (j) Public members of the board shall be removable by the governor, pursuant to the  
13 provisions of § 36-1-7, for cause only, and removal solely for partisan or personal reasons unrelated  
14 to capacity or fitness for the office shall be unlawful.

15 SECTION 12. Sections 44-31.2-2 and 44-31.2-6 of the General Laws in Chapter 44-31.2  
16 entitled "Motion Picture Production Tax Credits" are hereby amended to read as follows:

17 **44-31.2-2. Definitions.**

18 For the purposes of this chapter:

19 (1) "Accountant's certification" as provided in this chapter means a certified audit by a  
20 Rhode Island certified public accountant licensed in accordance with chapter 3.1 of title 5.

21 (2) "Application year" means within the calendar year the motion picture production  
22 company files an application for the tax credit.

23 (3) "Base investment" means the actual investment made and expended by a state-certified  
24 production in the state as production-related costs.

25 (4) "Documentary production" means a non-fiction production intended for educational or  
26 commercial distribution that may require out-of-state principal photography.

27 (5) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or a  
28 partnership, limited liability company, or other business entity formed under the laws of the state  
29 of Rhode Island for the purpose of producing motion pictures as defined in this section, or an  
30 individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of this  
31 title.

32 (6) "Final production budget" means and includes the total pre-production, production, and  
33 post-production out-of-pocket costs incurred and paid in connection with the making of the motion  
34 picture. The final production budget excludes costs associated with the promotion or marketing of

1 the motion picture.

2 (7) "Motion picture" means a feature-length film, documentary production, video,  
3 television series, or commercial made in Rhode Island, in whole or in part, for theatrical or  
4 television viewing or as a television pilot or for educational distribution. The term "motion picture"  
5 shall not include the production of television coverage of news or athletic events, nor shall it apply  
6 to any film, video, television series, or commercial or a production for which records are required  
7 under 18 U.S.C. § 2257, to be maintained with respect to any performer in such production or  
8 reporting of books, films, etc. with respect to sexually explicit conduct.

9 (8) "Motion picture production company" means a corporation, partnership, limited  
10 liability company, or other business entity engaged in the business of producing one or more motion  
11 pictures as defined in this section. Motion picture production company shall not mean or include:

12 (a) Any company owned, affiliated, or controlled, in whole or in part, by any company or  
13 person who or that is in default:

14 (i) On taxes owed to the state; or

15 (ii) On a loan made by the state in the application year; or

16 (iii) On a loan guaranteed by the state in the application year; or

17 (b) Any company or person who or that has discharged an obligation to pay or repay public  
18 funds or monies by:

19 (i) Filing a petition under any federal or state bankruptcy or insolvency law;

20 (ii) Having a petition filed under any federal or state bankruptcy or insolvency law against  
21 such company or person;

22 (iii) Consenting to, or acquiescing or joining in, a petition named in (i) or (ii);

23 (iv) Consenting to, or acquiescing or joining in, the appointment of a custodian, receiver,  
24 trustee, or examiner for such company's or person's property; or

25 (v) Making an assignment for the benefit of creditors or admitting in writing or in any legal  
26 proceeding its insolvency or inability to pay debts as they become due.

27 (9) "Primary locations" means the locations that (1) At least fifty-one percent (51%) of the  
28 motion picture principal photography days are filmed; or (2) At least fifty-one percent (51%) of the  
29 motion picture's final production budget is spent and employs at least five (5) individuals during  
30 the production in this state; or (3) For documentary productions, the location of at least fifty-one  
31 percent (51%) of the total productions days, which shall include pre-production and post-  
32 production locations.

33 (10) "Rhode Island film and television office" means an office within the ~~department of~~  
34 ~~administration~~ [Rhode Island Council on the Arts](#) that has been established in order to promote and

1 encourage the locating of film and television productions within the state of Rhode Island. The  
2 office is also referred to within as the "film office".

3 (11) "State-certified production" means a motion picture production approved by the  
4 Rhode Island film office and produced by a motion picture production company domiciled in  
5 Rhode Island, whether or not such company owns or controls the copyright and distribution rights  
6 in the motion picture; provided, that such company has either:

7 (a) Signed a viable distribution plan; or

8 (b) Is producing the motion picture for:

9 (i) A major motion picture distributor;

10 (ii) A major theatrical exhibitor;

11 (iii) Television network; or

12 (iv) Cable television programmer.

13 (12) "State-certified production cost" means any pre-production, production, and post-  
14 production cost that a motion picture production company incurs and pays to the extent it occurs  
15 within the state of Rhode Island. Without limiting the generality of the foregoing, "state-certified  
16 production costs" include: set construction and operation; wardrobes, make-up, accessories, and  
17 related services; costs associated with photography and sound synchronization, lighting, and related  
18 services and materials; editing and related services, including, but not limited to: film processing,  
19 transfers of film to tape or digital format, sound mixing, computer graphics services, special effects  
20 services, and animation services, salary, wages, and other compensation, including related benefits,  
21 of persons employed, either directly or indirectly, in the production of a film including writer,  
22 motion picture director, producer (provided the work is performed in the state of Rhode Island);  
23 rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs of food and  
24 lodging; music, if performed, composed, or recorded by a Rhode Island musician, or released or  
25 published by a person domiciled in Rhode Island; travel expenses incurred to bring persons  
26 employed, either directly or indirectly, in the production of the motion picture, to Rhode Island (but  
27 not expenses of such persons departing from Rhode Island); and legal (but not the expense of a  
28 completion bond or insurance and accounting fees and expenses related to the production's  
29 activities in Rhode Island); provided such services are provided by Rhode Island licensed attorneys  
30 or accountants.

31 **44-31.2-6. Certification and administration.**

32 (a) *Initial certification of a production.* The applicant shall properly prepare, sign and  
33 submit to the film office an application for initial certification of the Rhode Island production. The  
34 application shall include such information and data as the film office deems necessary for the proper

1 evaluation and administration of said application, including, but not limited to, any information  
2 about the motion picture production company, and a specific Rhode Island motion picture. The film  
3 office shall review the completed application and determine whether it meets the requisite criteria  
4 and qualifications for the initial certification for the production. If the initial certification is granted,  
5 the film office shall issue a notice of initial certification of the motion picture production to the  
6 motion picture production company and to the tax administrator. The notice shall state that, after  
7 appropriate review, the initial application meets the appropriate criteria for conditional eligibility.  
8 The notice of initial certification will provide a unique identification number for the production and  
9 is only a statement of conditional eligibility for the production and, as such, does not grant or  
10 convey any Rhode Island tax benefits.

11           **(b) Final certification of a production.** Upon completion of the Rhode Island production  
12 activities, the applicant shall request a certificate of good standing from the Rhode Island division  
13 of taxation. Such certificates shall verify to the film office the motion picture production company's  
14 compliance with the requirements of subsection 44-31.2-2(5). The applicant shall properly prepare,  
15 sign and submit to the film office an application for final certification of the production and which  
16 must include the certificate of good standing from the division of taxation. In addition, the  
17 application shall contain such information and data as the film office determines is necessary for  
18 the proper evaluation and administration, including, but not limited to, any information about the  
19 motion picture production company, its investors and information about the production previously  
20 granted initial certification. The final application shall also contain a cost report and an  
21 "accountant's certification". The film office and tax administrator may rely without independent  
22 investigation, upon the accountant's certification, in the form of an opinion, confirming the  
23 accuracy of the information included in the cost report. Upon review of a duly completed and filed  
24 application, the film office will make a determination pertaining to the final certification of the  
25 production. Within ninety (90) days after the division of taxation's receipt of the motion picture  
26 production company final certification and cost report, the division of taxation shall issue a  
27 certification of the amount of credit for which the motion picture production company qualifies  
28 under § 44-31.2-5. To claim the tax credit, the division of taxation's certification as to the amount  
29 of the tax credit shall be attached to all state tax returns on which the credit is claimed.

30           **(c) Final certification and credits.** Upon determination that the motion picture production  
31 company qualifies for final certification, the film office shall issue a letter to the production  
32 company indicating "certificate of completion of a state certified production". A motion picture  
33 production company is prohibited from using state funds, state loans or state guaranteed loans to  
34 qualify for the motion picture tax credit. All documents that are issued by the film office pursuant

1 to this section shall reference the identification number that was issued to the production as part of  
2 its initial certification.

3 (d) The director of ~~the department of administration,~~ [the Rhode Island Council on the Arts,](#)  
4 in consultation as needed with the tax administrator, shall promulgate such rules and regulations as  
5 are necessary to carry out the intent and purposes of this chapter in accordance with the general  
6 guidelines provided herein for the certification of the production and the resultant production credit.

7 (e) The tax administrator of the division of taxation, in consultation with the director of the  
8 Rhode Island film and television office, shall promulgate such rules and regulations as are  
9 necessary to carry out the intent and purposes of this chapter in accordance with the general  
10 guidelines for the tax credit provided herein.

11 (f) Any motion picture production company applying for the credit shall be required to  
12 reimburse the division of taxation for any audits required in relation to granting the credit.

13 SECTION 13. This Article shall take effect upon passage.

**ARTICLE 4 AS AMENDED**

RELATING TO TAXES AND REVENUE

SECTION 1. Sections 42-61-4 and 42-61-15 of the General Laws in Chapter 61 entitled "State Lottery" are hereby amended to read as follows:

**42-61-4. Powers and duties of director.**

The director shall have the power and it shall be his or her duty to:

(1) Supervise and administer the operation of lotteries in accordance with this chapter, chapter 61.2 of this title and with the rules and regulations of the division;

(2) Act as the chief administrative officer having general charge of the office and records and to employ necessary personnel to serve at his or her pleasure and who shall be in the unclassified service and whose salaries shall be set by the director of the department of revenue, pursuant to the provisions of § 42-61-3.

(3) In accordance with this chapter and the rules and regulations of the division, license as agents to sell lottery tickets those persons, as in his or her opinion, who will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in an amount provided in the rules and regulations of the division. Every licensed agent shall prominently display his or her license, or a copy of their license, as provided in the rules and regulations of the committee;

(4) Confer regularly as necessary or desirable, and not less than nine (9) times per year, with the permanent joint committee on state lottery on the operation and administration of the lotteries; make available for inspection by the committee, upon request, all books, records, files, and other information, and documents of the division; advise the committee and recommend those matters that he or she deems necessary and advisable to improve the operation and administration of the lotteries;

(5) Suspend or revoke any license issued pursuant to this chapter, chapter 61.2 of this title or the rules and regulations promulgated under this chapter and chapter 61.2 of this title;

(6) Enter into contracts for the operation of the lotteries, or any part of the operation of the lotteries, and into contracts for the promotion of the lotteries;

(7) Ensure that monthly financial reports are prepared providing gross monthly revenues, prize disbursements, other expenses, net income, and the amount transferred to the state general

1 fund for keno and for all other lottery operations; submit this report to the state budget officer, the  
2 auditor general, the permanent joint committee on state lottery, the legislative fiscal advisors, and  
3 the governor no later than the twentieth business day following the close of the month; the monthly  
4 report shall be prepared in a manner prescribed by the members of the revenues estimating  
5 conference; at the end of each fiscal year the director shall submit an annual report based upon an  
6 accrual system of accounting which shall include a full and complete statement of lottery revenues,  
7 prize disbursements and expenses, to the governor and the general assembly, which report shall be  
8 a public document and shall be filed with the secretary of state;

9 (8) Carry on a continuous study and investigation of the state lotteries throughout the state,  
10 and the operation and administration of similar laws, which may be in effect in other states or  
11 countries; and the director shall continue to exercise his authority to study, evaluate and where  
12 deemed feasible and advisable by the director, implement lottery-related initiatives, including but  
13 not limited to, pilot programs for limited periods of time, with the goal of generating additional  
14 revenues to be transferred by the Lottery to the general fund pursuant to § 42-61-15(3). Each such  
15 initiative shall be objectively evaluated from time to time using measurable criteria to determine  
16 whether the initiative is generating revenue to be transferred by the Lottery to the general fund.  
17 Nothing herein shall be deemed to permit the implementation of an initiative that would constitute  
18 an expansion of gambling requiring voter approval under applicable Rhode Island law.

19 (9) Implement the creation and sale of commercial advertising space on lottery tickets as  
20 authorized by § 42-61-4 of this chapter as soon as practicable after June 22, 1994;

21 (10) Promulgate rules and regulations, which shall include, but not be limited to:

22 (i) The price of tickets or shares in the lotteries;

23 (ii) The number and size of the prizes on the winning tickets or shares;

24 (iii) The manner of selecting the winning tickets or shares;

25 (iv) The manner of payment of prizes to the holders of winning tickets or shares;

26 (v) The frequency of the drawings or selections of winning tickets or shares;

27 (vi) The number and types of location at which tickets or shares may be sold;

28 (vii) The method to be used in selling tickets or shares;

29 (viii) The licensing of agents to sell tickets or shares, except that a person under the age of  
30 eighteen

31 (18) shall not be licensed as an agent;

32 (ix) The license fee to be charged to agents;

33 (x) The manner in which the proceeds of the sale of lottery tickets or shares are maintained,  
34 reported, and otherwise accounted for;

1 (xi) The manner and amount of compensation to be paid licensed sales agents necessary to  
2 provide for the adequate availability of tickets or shares to prospective buyers and for the  
3 convenience of the general public;

4 (xii) The apportionment of the total annual revenue accruing from the sale of lottery tickets  
5 or shares and from all other sources for the payment of prizes to the holders of winning tickets or  
6 shares, for the payment of costs incurred in the operation and administration of the lotteries,  
7 including the expense of the division and the costs resulting from any contract or contracts entered  
8 into for promotional, advertising, consulting, or operational services or for the purchase or lease of  
9 facilities, lottery equipment, and materials, for the repayment of moneys appropriated to the lottery  
10 fund;

11 (xiii) The superior court upon petition of the director after a hearing may issue subpoenas  
12 to compel the attendance of witnesses and the production of documents, papers, books, records,  
13 and other evidence in any matter over which it has jurisdiction, control or supervision. If a person  
14 subpoenaed to attend in the proceeding or hearing fails to obey the command of the subpoena  
15 without reasonable cause, or if a person in attendance in the proceeding or hearing refuses without  
16 lawful cause to be examined or to answer a legal or pertinent question or to exhibit any book,  
17 account, record, or other document when ordered to do so by the court, that person may be punished  
18 for contempt of the court;

19 (xiv) The manner, standards, and specification for the process of competitive bidding for  
20 division purchases and contracts; and

21 (xv) The sale of commercial advertising space on the reverse side of, or in other available  
22 areas upon, lottery tickets provided that all net revenue derived from the sale of the advertising  
23 space shall be deposited immediately into the state's general fund and shall not be subject to the  
24 provisions of § 42-61-15.

25 **42-61-15. State lottery fund.**

26 (a) There is created the state lottery fund, into which shall be deposited all revenues  
27 received by the division from the sales of lottery tickets and license fees. The fund shall be in the  
28 custody of the general treasurer, subject to the direction of division for the use of the division, and  
29 money shall be disbursed from it on the order of the controller of the state, pursuant to vouchers or  
30 invoices signed by the director and certified by the director of administration. The moneys in the  
31 state lottery fund shall be allotted in the following order, and only for the following purposes:

32 (1) Establishing a prize fund from which payments of the prize awards shall be disbursed  
33 to holders of winning lottery tickets on checks signed by the director and countersigned by the  
34 controller of the state or his or her designee.

1 (i) The amount of payments of prize awards to holders of winning lottery tickets shall be  
2 determined by the division, but shall not be less than forty-five percent (45%) nor more than sixty-  
3 five percent (65%) of the total revenue accruing from the sale of lottery tickets.

4 (ii) For the lottery game commonly known as "Keno", the amount of prize awards to  
5 holders of winning Keno tickets shall be determined by the division, but shall not be less than forty-  
6 five percent (45%) nor more than seventy-two percent (72%) of the total revenue accruing from  
7 the sale of Keno tickets.

8 (2) Payment of expenses incurred by the division in the operation of the state lotteries  
9 including, but not limited to, costs arising from contracts entered into by the director for  
10 promotional, consulting, or operational services, salaries of professional, technical, and clerical  
11 assistants, and purchases or lease of facilities, lottery equipment, and materials; provided however,  
12 solely for the purpose of determining revenues remaining and available for transfer to the state's  
13 general fund, ~~beginning in fiscal year 2015~~ expenses incurred by the division in the operation of  
14 state lotteries shall reflect (i) Beginning in fiscal year 2015, the actuarially determined employer  
15 contribution to the Employees' Retirement System consistent with the state's adopted funding  
16 policy; and (ii) Beginning in fiscal year 2018, the actuarially determined employer contribution to  
17 the State Employees and Electing Teachers' OPEB System consistent with the state's adopted  
18 funding policy. For financial reporting purposes, the state lottery fund financial statements shall be  
19 prepared in accordance with generally accepted accounting principles as promulgated by the  
20 Governmental Accounting Standards Board; and

21 (3) Payment into the general revenue fund of all revenues remaining in the state lottery  
22 fund after the payments specified in subdivisions (a)(1) – (a)(2) of this section.

23 (b) The auditor general shall conduct an annual post audit of the financial records and  
24 operations of the lottery for the preceding year in accordance with generally accepted auditing  
25 standards and government auditing standards. In connection with the audit, the auditor general may  
26 examine all records, files, and other documents of the division, and any records of lottery sales  
27 agents that pertain to their activities as agents, for purposes of conducting the audit. The auditor  
28 general, in addition to the annual post audit, may require or conduct any other audits or studies he  
29 or she deems appropriate, the costs of which shall be borne by the division.

30 (c) Payments into the state's general fund specified in subsection (a)(3) of this section shall  
31 be made on an estimated quarterly basis. Payment shall be made on the tenth business day following  
32 the close of the quarter except for the fourth quarter when payment shall be on the last business  
33 day.

34 SECTION 2. Purpose.

1 (a) Article VI, Section 22 of the Rhode Island Constitution provides that "[n]o act  
2 expanding the types or locations of gambling permitted within the state or within any city or town  
3 . . . shall take effect until it has been approved by the majority of those electors voting in a statewide  
4 referendum and by the majority of those electors voting in said referendum in the municipality in  
5 which the proposed gambling would be allowed . . ."

6 (b) In the 2012 general election, a majority of Rhode Island voters statewide and in the  
7 Town of Lincoln approved the following referendum question (among others):

8 "Shall an act be approved which would authorize the facility known as "Twin River" in the  
9 town of Lincoln to add state-operated casino gaming, such as table games, to the types of gambling  
10 it offers?"

11 (c) Similarly, in the 2016 general election, a majority of Rhode Island voters statewide and  
12 in the Town of Tiverton approved the following referendum question (among others):

13 "Shall an act be approved which would authorize a facility owned by Twin River-Tiverton,  
14 LLC, located in the Town of Tiverton at the intersection of William S. Canning Boulevard and  
15 Stafford Road, to be licensed as a pari-mutuel facility and offer state-operated video-lottery games  
16 and state-operated casino gaming, such as table games?"

17 (d) In the voter information handbooks setting forth and explaining the question in each  
18 instance, "casino gaming" was defined to include games "within the definition of Class III gaming  
19 as that term is defined in section 2703(8) of Title 25 of the United States Code and which is  
20 approved by the State of Rhode Island through the Lottery Division." "Casino gaming" is also  
21 defined to include games within the definition of class III gaming in section 42-61.2-1 of the general  
22 laws.

23 (e) Section 2703(8) of Title 25 US Code (part of the Indian Gaming Regulatory Act, or  
24 "IGRA") provides that the term "class III gaming" means "all forms of gaming that are not class I  
25 gaming or class II gaming." The regulations promulgated under IGRA (25 CFR 502.4) expressly  
26 state that Class III gaming includes sports wagering.

27 (f) Thus, voters state-wide and locally approved state-operated sports wagering to be  
28 offered by the Twin River and Tiverton gaming facilities. Voter approval of sports wagering shall  
29 be implemented by providing an infrastructure for state-operated sports wagering offered by the  
30 Twin River gaming facilities in Lincoln and Tiverton, by authorizing necessary amendments to  
31 certain contracts and by authorizing the division of lotteries to promulgate regulations to direct and  
32 control state-operated sports wagering.

33 (g) State operated sports wagering shall be operated by the state through the division of  
34 lotteries. Sports wagering may be conducted at (i) the Twin River Gaming Facility, located in

1 Lincoln at 100 Twin River Road and owned by UTGR, Inc., a licensed video lottery and table game  
2 retailer, and at (ii) the Tiverton Gaming Facility, located in Tiverton at the intersection of William  
3 S. Canning Boulevard and Stafford Road, and owned by Twin River-Tiverton, once Twin River-  
4 Tiverton is licensed as a video lottery and table game retailer.

5 (h) The state through the division of lotteries shall exercise its existing authority to  
6 implement, operate, conduct and control sports wagering at the Twin River gaming facility and the  
7 Twin River-Tiverton gaming facility in accordance with the provisions of this chapter and the rules  
8 and regulations of the division of lotteries.

9 (i) Notwithstanding the provisions of this section, sports wagering shall be prohibited in  
10 connection with any collegiate sports or athletic event that takes place in Rhode Island or a sports  
11 contest or athletic event in which any Rhode Island college team participates, regardless of where  
12 the event takes place.

13 (j) No other law providing any penalty or disability for conducting, hosting, maintaining,  
14 supporting or participating in sports wagering, or any acts done in connection with sports wagering,  
15 shall apply to the conduct, hosting, maintenance, support or participation in sports wagering  
16 pursuant to this chapter.

17 SECTION 3. The title of Chapter 42-61.2 of the General Laws entitled "Video-Lottery  
18 Terminal" is hereby amended to read as follows:

19 ~~CHAPTER 42-61.2~~

20 ~~Video Lottery Terminal~~

21 CHAPTER 42-61.2

22 VIDEO-LOTTERY GAMES, TABLE GAMES AND SPORTS WAGERING

23 SECTION 4. Section 42-61.2-1, 42-61.2-3.2, 42-61.2-4, 42-61.2-6, 42-61.2-10, 42-61.2-  
24 11, 42-61.2-13, 42-61.2-14 and 42-61.2-15 of the General Laws in Chapter 42-61.2 entitled "Video-  
25 Lottery Terminal" are hereby amended to read as follows:

26 **42-61.2-1. Definitions.**

27 For the purpose of this chapter, the following words shall mean:

28 (1) "Central communication system" means a system approved by the lottery division,  
29 linking all video-lottery machines at a licensee location to provide auditing program information  
30 and any other information determined by the lottery. In addition, the central communications  
31 system must provide all computer hardware and related software necessary for the establishment  
32 and implementation of a comprehensive system as required by the division. The central  
33 communications licensee may provide a maximum of fifty percent (50%) of the video-lottery  
34 terminals.

1 (2) "Licensed, video-lottery retailer" means a pari-mutuel licensee specifically licensed by  
2 the director subject to the approval of the division to become a licensed, video-lottery retailer.

3 (3) "Net terminal income" means currency placed into a video-lottery terminal less credits  
4 redeemed for cash by players.

5 (4) "Pari-mutuel licensee" means:

6 (i) An entity licensed pursuant to § 41-3.1-3; and/or

7 (ii) An entity licensed pursuant to § 41-7-3.

8 (5) "Technology provider" means any individual, partnership, corporation, or association  
9 that designs, manufactures, installs, maintains, distributes, or supplies video-lottery machines or  
10 associated equipment for the sale or use in this state.

11 (6) "Video-lottery games" means lottery games played on video-lottery terminals  
12 controlled by the lottery division.

13 (7) "Video-lottery terminal" means any electronic computerized video game machine that,  
14 upon the insertion of cash or any other representation of value that has been approved by the  
15 division of lotteries, is available to play a video game authorized by the lottery division, and that  
16 uses a video display and microprocessors in which, by chance, the player may receive free games  
17 or credits that can be redeemed for cash. The term does not include a machine that directly dispenses  
18 coins, cash, or tokens.

19 (8) "Casino gaming" means any and all table and casino-style games played with cards,  
20 dice, or equipment, for money, credit, or any representative of value; including, but not limited to,  
21 roulette, blackjack, big six, craps, poker, baccarat, paigow, any banking or percentage game, or any  
22 other game of device included within the definition of Class III gaming as that term is defined in  
23 Section 2703(8) of Title 25 of the United States Code and that is approved by the state through the  
24 division of state lottery.

25 (9) "Net, table-game revenue" means win from table games minus counterfeit currency.

26 (10) "Rake" means a set fee or percentage of cash and chips representing cash wagered in  
27 the playing of a nonbanking table game assessed by a table games retailer for providing the services  
28 of a dealer, gaming table or location, to allow the play of any nonbanking table game.

29 (11) "Table game" or "Table gaming" means that type of casino gaming in which table  
30 games are played for cash or chips representing cash, or any other representation of value that has  
31 been approved by the division of lotteries, using cards, dice, or equipment and conducted by one  
32 or more live persons.

33 (12) "Table-game retailer" means a retailer authorized to conduct table gaming pursuant to  
34 §§ 42-61.2-2.1 or 42-61.2-2.3.

1 (13) "Credit facilitator" means any employee of a licensed, video-lottery retailer approved  
2 in writing by the division whose responsibility is to, among other things, review applications for  
3 credit by players, verify information on credit applications, grant, deny, and suspend credit,  
4 establish credit limits, increase and decrease credit limits, and maintain credit files, all in  
5 accordance with this chapter and rules and regulations approved by the division.

6 (14) "Newport Grand" means Newport Grand, LLC, a Rhode Island limited-liability  
7 company, successor to Newport Grand Jai Alai, LLC, and each permitted successor to and assignee  
8 of Newport Grand, LLC under the Newport Grand Master Contract, including, but not limited to,  
9 Premier Entertainment II, LLC and/or Twin River-Tiverton, LLC, provided it is a pari-mutuel  
10 licensee as defined in § 42-61.2-1 et seq.; provided, further, however, where the context indicates  
11 that the term is referring to the physical facility, then it shall mean the gaming and entertainment  
12 facility located at 150 Admiral Kalbfus Road, Newport, Rhode Island.

13 (15) "Newport Grand Marketing Year" means each fiscal year of the state or a portion  
14 thereof between November 23, 2010, and the termination date of the Newport Grand Master  
15 Contract.

16 (16) "Newport Grand Master Contract" means that certain master video-lottery terminal  
17 contract made as of November 23, 2005, by and between the Division of Lotteries of the Rhode  
18 Island department of administration and Newport Grand, as amended and extended from time to  
19 time as authorized therein and/or as such Newport Grand Master Contract may be assigned as  
20 permitted therein.

21 (17) "Premier" means Premier Entertainment II, LLC and/or its successor in interest by  
22 reason of the acquisition of the stock, membership interests, or substantially all of the assets of such  
23 entity.

24 (18) "Twin River-Tiverton" means Twin River-Tiverton, LLC and/or its successor in  
25 interest by reason of the acquisition of the stock, membership interests, or substantially all of the  
26 assets of such entity.

27 (19) "Sports wagering revenue" means:

28 (1) The total of cash or cash equivalents received from sports wagering minus the total of:

29 (i) Cash or cash equivalents paid to players as a result of sports wagering;

30 (ii) The annual flat fee to the host communities as defined by § 42-61.2-2.4(c) of the general  
31 laws;

32 (iii) Marketing expenses related to sports wagering as agreed to by the division, the sports  
33 wagering vendor, and the host facilities, as approved by the division of the lottery; and

34 (iv) Any federal excise taxes (if applicable).

1           (2) The term does not include any of the following:

2           (i) Counterfeit cash.

3           (ii) Coins or currency of other countries received as a result of sports wagering, except to  
4 the extent that the coins or currency are readily convertible to cash.

5           (iii) Cash taken in a fraudulent act perpetrated against a hosting facility or sports wagering  
6 vendor for which the hosting facility or sports wagering vendor is not reimbursed.

7           (iv) Free play provided by the hosting facility or sports wagering vendor as authorized by  
8 the division of lottery to a patron and subsequently "won back" by the hosting facility or sports  
9 wagering vendor, for which the hosting facility or sports wagering vendor can demonstrate that it  
10 or its affiliate has not been reimbursed in cash.

11           (20) "Sporting event" means any professional sport or athletic event, any Olympic or  
12 international sports competition event and any collegiate sport or athletic event, or any portion  
13 thereof, including, but not limited to, the individual performance statistics of athletes in a sports  
14 event or combination of sports events, except "sports event" shall not include a prohibited sports  
15 event.

16           (21) "Collegiate sports or athletic event" shall not include a collegiate sports contest or  
17 collegiate athletic event that takes place in Rhode Island or a sports contest or athletic event in  
18 which any Rhode Island college team participates regardless of where the event takes place.

19           (22) "Sports wagering" means the business of accepting wagers on sporting events or a  
20 combination of sporting events, or on the individual performance statistics of athletes in a sporting  
21 event or combination of sporting events, by any system or method of wagering. The term includes,  
22 but is not limited to, exchange wagering, parlays, over-under, moneyline, pools and straight bets,  
23 and the term includes the placement of such bets and wagers. However, the term does not include,  
24 without limitation, the following:

25           (1) Lotteries, including video lottery games and other types of casino gaming operated by  
26 the state, through the division, on the date this act is enacted.

27           (2) Pari-mutuel betting on the outcome of thoroughbred or harness horse racing, or  
28 greyhound dog racing, including but not limited to pari-mutuel wagering on a race that is  
29 "simulcast" (as defined in section 41-11-1 of the general laws), as regulated elsewhere pursuant to  
30 the general laws, including in chapters 41-3, 41-3.1, 41-4 and 41-11 of the general laws.

31           (3) Off-track betting on racing events, as regulated elsewhere pursuant to the general laws,  
32 including in chapter 41-10 of the general laws.

33           (4) Wagering on the respective scores or points of the game of jai alai or pelota and the  
34 sale of pari-mutuel pools related to such games, as regulated elsewhere pursuant to the general

1 laws, including in chapter 41-7 of the general laws.

2 (5) Lotteries, charitable gaming, games of chance, bingo games, raffles and pull-tab lottery  
3 tickets, to the extent permitted and regulated pursuant to chapter 11-19 of the general laws.

4 (23) "Sports wagering device" means any mechanical, electrical or computerized  
5 contrivance, terminal, machine or other device, apparatus, equipment or supplies approved by the  
6 division and used to conduct sports wagering.

7 (24) "Sports wagering vendor" means any entity authorized by the division of lottery to  
8 operate sports betting on the division's behalf in accordance with this chapter.

9 (25) "Payoff" when used in connection with sports wagering, means cash or cash  
10 equivalents paid to a player as a result of the player's winning a sports wager. A "payoff" is a type  
11 of "prize," as the term "prize" is used in chapter 42-61, chapter 42-61.2 and in chapter 42-61.3.

12 (26) "Tiverton gaming facility" (sometimes referred to as "Twin River-Tiverton") means  
13 the gaming and entertainment facility located in the Town of Tiverton at the intersection of William  
14 S. Canning Boulevard and Stafford Road.

15 (27) "Twin River" (sometimes referred to as "UTGR") means UTGR, Inc., a Delaware  
16 corporation, and each permitted successor to and assignee of UTGR, Inc.; provided further,  
17 however, where the context indicates that the term is referring to a physical facility, then "Twin  
18 River" or "Twin River gaming facility" shall mean the gaming and entertainment facility located at  
19 100 Twin River Road in Lincoln, Rhode Island.

20 (28) "Hosting facility" refers to Twin River and the Tiverton gaming facility.

21 (29) "DBR" means the department of business regulation, division of licensing and gaming  
22 and athletics, and/or any successor in interest thereto.

23 (30) "Division," "division of lottery," "division of lotteries" or "lottery division" means the  
24 division of lotteries within the department of revenue and/or any successor in interest thereto.

25 (31) "Director" means the director of the division.

26 **42-61.2-3.2. Gaming credit authorized.**

27 (a) Authority. In addition to the powers and duties of the state lottery director under §§ 42-  
28 61-4, 42-61.2-3, 42-61.2-3.1 and 42-61.2-4, the division shall authorize each licensed, video-lottery  
29 retailer to extend credit to players pursuant to the terms and conditions of this chapter.

30 (b) Credit. Notwithstanding any provision of the general laws to the contrary, including,  
31 without limitation, § 11-19-17, except for applicable licensing laws and regulations, each licensed,  
32 video-lottery retailer may extend interest-free, unsecured credit to its patrons for the sole purpose  
33 of such patrons making wagers at table games and/or video-lottery terminals and/or for the purpose  
34 of making sports wagering bets, at the licensed, video-lottery retailer's facility subject to the terms

1 and conditions of this chapter.

2 (c) Regulations. Each licensed, video-lottery retailer shall be subject to rules and  
3 regulations submitted by licensed, video-lottery retailers and subject to the approval of the division  
4 of lotteries regarding procedures governing the extension of credit and requirements with respect  
5 to a credit applicant's financial fitness, including, without limitation: annual income; debt-to-  
6 income ratio; prior credit history; average monthly bank balance; and/or level of play. The division  
7 of lotteries may approve, approve with modification, or disapprove any portion of the policies and  
8 procedures submitted for review and approval.

9 (d) Credit applications. Each applicant for credit shall submit a written application to the  
10 licensed, video-lottery retailer that shall be maintained by the licensed, video-lottery retailer for  
11 three (3) years in a confidential credit file. The application shall include the patron's name; address;  
12 telephone number; social security number; comprehensive bank account information; the requested  
13 credit limit; the patron's approximate amount of current indebtedness; the amount and source of  
14 income in support of the application; the patron's signature on the application; a certification of  
15 truthfulness; and any other information deemed relevant by the licensed, video-lottery retailer or  
16 the division of lotteries.

17 (e) Credit application verification. As part of the review of a credit application and before  
18 an application for credit is approved, the licensed, video-lottery retailer shall verify:

19 (1) The identity, creditworthiness, and indebtedness information of the applicant by  
20 conducting a comprehensive review of:

21 (i) The information submitted with the application;

22 (ii) Indebtedness information regarding the applicant received from a credit bureau; and/or

23 (iii) Information regarding the applicant's credit activity at other licensed facilities that the  
24 licensed, video-lottery retailer may obtain through a casino credit bureau and, if appropriate,  
25 through direct contact with other casinos.

26 (2) That the applicant's name is not included on an exclusion or self-exclusion list  
27 maintained by the licensed, video-lottery retailer and/or the division of lotteries.

28 (3) As part of the credit application, the licensed, video-lottery retailer shall notify each  
29 applicant in advance that the licensed, video-lottery retailer will verify the information in  
30 subsections (e)(1) and (e)(2) and may verify any other information provided by the applicant as  
31 part of the credit application. The applicant is required to acknowledge in writing that he or she  
32 understands that the verification process will be conducted as part of the application process and  
33 that he or she consents to having said verification process conducted.

34 (f) Establishment of credit. After a review of the credit application, and upon completion

1 of the verification required under subsection (e), and subject to the rules and regulations approved  
2 by the division of lotteries, a credit facilitator may approve or deny an application for credit to a  
3 player. The credit facilitator shall establish a credit limit for each patron to whom credit is granted.  
4 The approval or denial of credit shall be recorded in the applicant's credit file that shall also include  
5 the information that was verified as part of the review process, and the reasons and information  
6 relied on by the credit facilitator in approving or denying the extension of credit and determining  
7 the credit limit. Subject to the rules and regulations approved by the division of lotteries, increases  
8 to an individual's credit limit may be approved by a credit facilitator upon receipt of written request  
9 from the player after a review of updated financial information requested by the credit facilitator  
10 and re-verification of the player's credit information.

11 (g) Recordkeeping. Detailed information pertaining to all transactions affecting an  
12 individual's outstanding indebtedness to the licensed, video-lottery retailer shall be recorded in  
13 chronological order in the individual's credit file. The financial information in an application for  
14 credit and documents related thereto shall be confidential. All credit application files shall be  
15 maintained by the licensed, video-lottery retailer in a secure manner and shall not be accessible to  
16 anyone not a credit facilitator or a manager or officer of a licensed, video-lottery retailer responsible  
17 for the oversight of the extension of credit program.

18 (h) Reduction or suspension of credit. A credit facilitator may reduce a player's credit limit  
19 or suspend his or her credit to the extent permitted by the rules and regulations approved by the  
20 division of lotteries and shall reduce a player's credit limit or suspend a player's credit limit as  
21 required by said rules and regulations.

22 (i) Voluntary credit suspension. A player may request that the licensed, video-lottery  
23 retailer suspend or reduce his or her credit. Upon receipt of a written request to do so, the player's  
24 credit shall be reduced or suspended as requested. A copy of the request and the action taken by  
25 the credit facilitator shall be placed in the player's credit application file.

26 (j) Liability. In the event that a player fails to repay a debt owed to a licensed, video-lottery  
27 retailer resulting from the extension of credit by that licensed, video-lottery retailer, neither the  
28 state of Rhode Island nor the division of lotteries shall be responsible for the loss and said loss shall  
29 not affect net, table-game revenue or net terminal income. A licensed, video-lottery retailer, the  
30 state of Rhode Island, the division of lotteries, and/or any employee of a licensed, video-lottery  
31 retailer, shall not be liable in any judicial or administrative proceeding to any player, any individual,  
32 or any other party, including table game players or individuals on the voluntary suspension list, for  
33 any harm, monetary or otherwise, that may arise as a result of:

34 (1) Granting or denial of credit to a player;

- 1 (2) Increasing the credit limit of a player;
- 2 (3) Allowing a player to exercise his or her right to use credit as otherwise authorized;
- 3 (4) Failure of the licensed, video-lottery retailer to increase a credit limit;
- 4 (5) Failure of the licensed, video-lottery retailer to restore credit privileges that have been
- 5 suspended, whether involuntarily or at the request of the table game patron; or
- 6 (6) Permitting or prohibiting an individual whose credit privileges have been suspended,
- 7 whether involuntarily or at the request of the player, to engage in gaming activity in a licensed
- 8 facility while on the voluntary credit suspension list.
- 9 (k) Limitations. Notwithstanding any other provision of this chapter, for any extensions of
- 10 credit, the maximum amount of outstanding credit per player shall be fifty thousand dollars
- 11 (\$50,000).

12 **42-61.2-4. Additional powers and duties of director and lottery division.**

13 In addition to the powers and duties set forth in §§ 42-61-4 and 42-61.2-3, the director shall

14 have the power to:

15 (1) Supervise and administer the operation of video lottery games [and sports wagering](#) in

16 accordance with this chapter and with the rules and regulations of the division;

17 (2) Suspend or revoke upon a hearing any license issued pursuant to this chapter or the

18 rules and regulations promulgated under this chapter; ~~and~~

19 (3) In compliance with the provisions of chapter 2 of title 37, enter into contracts for the

20 operation of a central communications system and technology providers, or any part thereof; ~~;~~

21 [\(4\) In compliance with the provisions of chapter 2 of title 37, enter into contracts for the](#)

22 [provision of sports wagering systems, facilities and related technology necessary and/or desirable](#)

23 [for the state-operated sports wagering to be hosted at Twin River and the Tiverton gaming facilities,](#)

24 [including technology related to the operation of on-premises remote sports wagering, or any part](#)

25 [thereof; and](#)

26 ~~(4)~~(5) Certify monthly to the budget officer, the auditor general, the permanent joint

27 committee on state lottery, and to the governor a full and complete statement of lottery revenues,

28 prize disbursements and other expenses for the preceding month; ensure that monthly financial

29 reports are prepared providing gross monthly revenues, prize disbursements, other expenses, and

30 net income for keno and for all other lottery operations; submit this report to the state budget officer,

31 the auditor general, the permanent joint committee on state lottery, the legislative fiscal advisors,

32 and the governor no later than the twentieth business day following the close of the month; at the

33 end of each fiscal year the director shall submit an annual report based upon an accrual system of

34 accounting which shall include a full and complete statement of lottery revenues, prize

1 disbursements and expenses, to the governor and the general assembly, which report shall be a  
2 public document and shall be filed with the secretary of state. The monthly report shall be prepared  
3 in a manner prescribed by the members of the revenue estimating conference.

4 **42-61.2-6. When games may be played.**

5 (a) Video-lottery games authorized by this chapter may be played at the licensed, video-  
6 lottery retailer's facilities with the approval of the ~~lottery commission~~ division, even if that facility  
7 is not conducting a pari-mutuel event.

8 (b) Sports wagering authorized by this chapter, including accepting sports wagers and  
9 administering payoffs of winning sports wagers, may be conducted at the Twin River and the  
10 Tiverton gaming facilities, with the approval of the division, even if that facility is not conducting  
11 a pari-mutuel event.

12 **42-61.2-10. Prizes exempt from taxation.**

13 ~~The prizes received pursuant to this chapter shall be exempt from the state sales or use tax.~~  
14 The prizes, including payoffs, received pursuant to this chapter shall be exempt from the state sales  
15 or use tax but shall be applicable to personal income tax laws.

16 **42-61.2-11. Effect of other laws and local ordinances.**

17 (a) No other law providing any penalty or disability for operating, hosting, maintaining,  
18 supporting or playing video lottery games, or any acts done in connection with video lottery games,  
19 shall apply to operating, hosting, maintaining, supporting or playing video lottery games pursuant  
20 to this chapter.

21 (b) No other law providing any penalty or disability for conducting, hosting, maintaining,  
22 supporting or participating in sports wagering, or any acts done in connection with sports wagering,  
23 shall apply to conducting, hosting, maintaining, supporting or participating in sports wagering  
24 pursuant to this chapter.

25 (c) The provisions of §§ 41-9-4 and 41-9-6 shall not apply to this chapter, and the  
26 provisions of this chapter shall take precedence over any local ordinances to the contrary. It is  
27 specifically acknowledged that the installation, operation and use of video-lottery terminals by a  
28 pari-mutuel licensee, as authorized in this chapter, shall for all purposes be deemed a permitted use  
29 as defined in § 45-24-31. No city or town where video-lottery terminals are authorized may seek to  
30 prevent the installation and use of said video-lottery terminals by defining such as a prohibited use.

31 **42-61.2-13. Table game enforcement. [See Applicability notes.] Enforcement.**

32 (a) Whoever violates § 42-61.2-2.1 or § 42-61.2-3.1, or any rule or regulation, policy or  
33 procedure, duly promulgated thereunder, or any administrative order issued pursuant to § 42-61.2-  
34 2.1 or § 42-61.2-3.1, shall be punishable as follows:

1 (1) In the Division director's discretion, the Division director may impose an administrative  
2 penalty of not more than one thousand dollars (\$1,000) for each violation. Each day of continued  
3 violation shall be considered as a separate violation if the violator has knowledge of the facts  
4 constituting the violation and knows or should know that such facts constitute or may constitute a  
5 violation. Lack of knowledge regarding such facts or violation shall not be a defense to a continued  
6 violation with respect to the first day of its occurrence. Written notice detailing the nature of the  
7 violation, the penalty amount, and effective date of the penalty will be provided by the Division  
8 director. Penalties shall take effect upon notification. A written request for a hearing must be  
9 submitted in writing to the Division director within thirty (30) days of notification of violation.

10 (2) In the Division director's discretion, the Division director may endeavor to obtain  
11 compliance with requirements of this chapter by written administrative order. Such order shall be  
12 provided to the responsible party, shall specify the complaint, and propose a time for correction of  
13 the violation.

14 (b) The Division director shall enforce this chapter. Such enforcement shall include, but  
15 not be limited to, referral of suspected criminal activity to the Rhode Island state police for  
16 investigation.

17 (c) Any interest, costs or expense collected under this section shall be appropriated to the  
18 Division for administrative purposes.

19 (d) Any penalty imposed by the Division pursuant to this § 42-61.2-13 shall be appealable  
20 to Superior Court.

21 **42-61.2-14. Compulsive and problem gambling program. [See Applicability notes.].**

22 The Division and the State acknowledge that the vast majority of gaming patrons can enjoy  
23 gambling games responsibly, but that there are certain societal costs associated with gaming by  
24 some individuals who have problems handling the product or services provided. The Division and  
25 the State further understand that it is their duty to act responsibly toward those who cannot  
26 participate conscientiously in gaming. Pursuant to the foregoing, Twin River and Newport Grand,  
27 in cooperation with the State, shall offer compulsive and problem gambling programs that include,  
28 but are not limited to (a) problem gambling awareness programs for employees; (b) player self-  
29 exclusion program; and (c) promotion of a problem gambling hotline. Twin River and Newport  
30 Grand [\(and its successor in interest, Twin River-Tiverton\)](#) shall modify their existing compulsive  
31 and problem-gambling programs to include table games [and sports wagering](#) to the extent such  
32 games are authorized at such facilities. Twin River and Newport Grand [\(and its successor in](#)  
33 [interest, Twin River-Tiverton\)](#) shall reimburse and pay to the Division no less than ~~one hundred~~  
34 ~~thousand dollars (\$100,000)~~ [one hundred twenty-five thousand dollars \(\\$125,000\)](#) in aggregate

1 annually for compulsive and problem gambling programs established by the Division. The  
2 contribution from each facility shall be determined by the Division.

3 **42-61.2-15. ~~Table-game hours of operation~~ Table game and sports wagering hours of**  
4 **operation.**

5 (a) To the extent table games are authorized at the premises of a table-game retailer, such  
6 table games may be offered at the premises of a table-game retailer for all or a portion of the days  
7 and times that video-lottery games are offered.

8 (b) To the extent sports wagering is authorized at the premises of a table-game retailer,  
9 such sports wagering may be offered at the premises of such table-game retailer for all or a portion  
10 of the days and times that video-lottery games are offered.

11 SECTION 5. Chapter 42-61.2 of the General Laws entitled "Video-Lottery Terminal" is  
12 hereby amended by adding thereto the following sections:

13 **42-61.2-2.4. State to conduct sports wagering hosted by Twin River and the Tiverton**  
14 **Gaming Facility.**

15 (a) The state, through the division of lotteries, shall implement, operate, conduct and  
16 control sports wagering at the Twin River gaming facility and the Twin River-Tiverton gaming  
17 facility, once Twin River-Tiverton is licensed as a video lottery and table game retailer. In  
18 furtherance thereof, the state, through the division, shall have full operational control to operate  
19 such sports wagering, including, without limitation, the power and authority to:

20 (1) Establish with respect to sports wagering one or more systems for linking, tracking,  
21 depositing and reporting of receipts, audits, annual reports, prohibited conduct and other such  
22 matters determined by the division from time to time;

23 (2) Collect all sports wagering revenue indirectly through Twin River and Tiverton gaming  
24 facilities, require that the Twin River and Tiverton gaming facilities collect all sports wagering  
25 revenue in trust for the state (through the division), deposit such sports wagering revenue into an  
26 account or accounts of the division's choice, allocate such sports wagering revenue according to  
27 law, and otherwise maintain custody and control over all sports wagering revenue;

28 (3) Hold and exercise sufficient powers over the Twin River and Tiverton gaming facilities'  
29 accounting and finances to allow for adequate oversight and verification of the financial aspects of  
30 sports wagering hosted at their respective facilities in Lincoln and Tiverton, including, without  
31 limitation:

32 (i) The right to require the Twin River and Tiverton gaming facilities to maintain an annual  
33 balance sheet, profit and loss statement, and any other necessary information or reports;

34 (ii) The authority and power to conduct periodic compliance or special or focused audits

1 of the information or reports provided, as well as the premises within the facilities containing  
2 records of sports wagering or in which the sports wagering activities are conducted; and

3 (4) Monitor the sports wagering operations hosted by the Twin River and Tiverton gaming  
4 facilities and have the power to terminate or suspend any sports wagering activities in the event of  
5 an integrity concern or other threat to the public trust, and in furtherance thereof, require Twin  
6 River and Tiverton, respectively, to provide a specified area or areas from which to conduct such  
7 monitoring activities;

8 (5) Through the use of a sports wagering vendor, define and limit the rules of play and odds  
9 of authorized sports wagering games, including, without limitation, the minimum and maximum  
10 wagers for each sports wagering game. Sports wagering payoffs shall not be subject to any  
11 limitation or restriction related to sports wagering revenue or lottery revenue.

12 (6) Establish compulsive gambling treatment programs;

13 (7) Promulgate, or propose for promulgation, any legislative, interpretive and procedural  
14 rules necessary for the successful implementation, administration and enforcement of this chapter;  
15 and

16 (8) Hold all other powers necessary and proper to fully effectively execute and administer  
17 the provisions of this chapter for the purpose of allowing the state to operate sports wagering hosted  
18 by the Twin River and Tiverton gaming facilities.

19 (b) The state, through the division and/or the DBR, shall have approval rights over matters  
20 relating to the employment of individuals to be involved, directly or indirectly, with the operation  
21 of sports wagering at the Twin River and Tiverton gaming facilities.

22 (c) Nothing in this chapter 42-61.2 or elsewhere in the general laws shall be construed to  
23 create a separate license governing the hosting of sports wagering in Rhode Island by licensed video  
24 lottery and table game retailers.

25 (d) The state, through the division, shall have authority to issue such regulations as it deems  
26 appropriate pertaining to the control, operation and management of sports wagering. The state,  
27 through DBR shall have authority to issue such regulations as it deems appropriate pertaining to  
28 the employment of individuals to be involved, directly or indirectly, with the operations of sports  
29 wagering as set forth in subsection (b) of this section.

30 (e) Any list or other identifiable data of sports wagering players generated or maintained  
31 by the sports wagering vendor or the hosting facility as a result of sports wagering shall be the  
32 exclusive property of the division, provided that the hosting facilities shall be permitted to use any  
33 such list or other identifiable data for marketing purposes to the extent it currently uses similar data  
34 as approved by the division and for marketing purposes to directly or indirectly generate additional

1 gaming revenue, as approved by the division.

2 **42-61.2-3.3. Sports wagering regulation.**

3 (a) In addition to the powers and duties of the division director under §§ 42-61-4, 42-61.2-  
4 3, 42-61.2-4 and 42-61.2-3.1, and pursuant to § 42-61.2-2.4, the division director shall promulgate  
5 rules and regulations relating to sports wagering and set policy therefor. These rules and regulations  
6 shall establish standards and procedures for sports wagering and associated devices, equipment and  
7 accessories, and shall include, but not be limited to:

8 (1) Approve standards, rules and regulations to govern the conduct of sports wagering and  
9 the system of wagering associated with sports wagering, including without limitation:

10 (i) The objects of the sports wagering (i.e., the sporting events upon which sports wagering  
11 bets may be accepted) and methods of play, including what constitutes win, loss or tie bets;

12 (ii) The manner in which sports wagering bets are received, payoffs are remitted and point  
13 spreads, lines and odds are determined for each type of available sports wagering bet;

14 (iii) Physical characteristics of any devices, equipment and accessories related to sports  
15 wagering;

16 (iv) The applicable inspection procedures for any devices, equipment and accessories  
17 related to sports wagering;

18 (v) Procedures for the collection of bets and payoffs, including but not limited to  
19 requirements for internal revenue service purposes;

20 (vi) Procedures for handling suspected cheating and sports wagering irregularities; and

21 (vii) Procedures for handling any defective or malfunctioning devices, equipment and  
22 accessories related to sports wagering.

23 (2) Establishing the method for calculating sports wagering revenue and standards for the  
24 daily counting and recording of cash and cash equivalents received in the conduct of sports  
25 wagering, and ensuring that internal controls are followed and financial books and records are  
26 maintained and audits are conducted;

27 (3) Establishing the number and type of sports wagering bets authorized at the hosting  
28 facility, including any new sports wagering bets or variations or composites of approved sports  
29 wagering bets, and all rules related thereto;

30 (4) Establishing any sports wagering rule changes, sports wagering minimum and  
31 maximum bet changes, and changes to the types of sports wagering products offered at a particular  
32 hosting facility, including but not limited to any new sports wagering bets or variations or  
33 composites of approved sports wagering bets, and including all rules related thereto;

34 (5) Requiring the hosting facility and/or sports wagering vendor to:

1           (i) Provide written information at each sports wagering location within the hosting facility  
2 about wagering rules, payoffs on winning sports wagers and other information as the division may  
3 require.

4           (ii) Provide specifications approved by the division to integrate and update the hosting  
5 facility's surveillance system to cover all areas within the hosting facility where sports wagering is  
6 conducted and other areas as required by the division. The specifications shall include provisions  
7 providing the division and other persons authorized by the division with onsite access to the system.

8           (iii) Designate one or more locations within the hosting facility where sports wagering bets  
9 are received.

10          (iv) Ensure that visibility in a hosting facility is not obstructed in any way that could  
11 interfere with the ability of the division, the sports wagering vendor or other persons authorized  
12 under this section or by the division to oversee the surveillance of the conduct of sports wagering.

13          (v) Ensure that the count rooms for sports wagering has appropriate security for the  
14 counting and storage of cash.

15          (vi) Ensure that drop boxes are brought into or removed from an area where sports  
16 wagering is conducted or locked or unlocked in accordance with procedures established by the  
17 division.

18          (vii) Designate secure locations for the inspection, service, repair or storage of sports  
19 wagering equipment and for employee training and instruction to be approved by the division.

20          (vii) Establish standards prohibiting persons under eighteen (18) of age from participating  
21 in sports wagering.

22          (ix) Establish compulsive and problem gambling standards and/or programs pertaining to  
23 sports wagering consistent with general laws chapter 42-61.2.

24          (6) Establishing the minimal proficiency requirements for those individuals accepting  
25 sports wagers and administering payoffs on winning sports wagers. The foregoing requirements of  
26 this subsection may be in addition to any rules or regulations of the DBR requiring licensing of  
27 personnel of state-operated gaming facilities;

28          (7) Establish appropriate eligibility requirements and standards for traditional sports  
29 wagering equipment suppliers; and

30          (8) Any other matters necessary for conducting sports wagering.

31          (b) The hosting facility shall provide secure, segregated facilities as required by the  
32 division on the premises for the exclusive use of the division staff and the gaming enforcement unit  
33 of the state police. Such space shall be located proximate to the gaming floor and shall include  
34 surveillance equipment, monitors with full camera control capability, as well as other office

1 equipment that may be deemed necessary by the division. The location and size of the space and  
2 necessary equipment shall be subject to the approval of the division.

3 **42-61.2-5. Allocation of sports wagering revenue.**

4 (a) Notwithstanding the provisions of § 42-61-15, the division of lottery is authorized to  
5 enter into an agreement, limited to in-person on-site sports wagering, to allocate sports wagering  
6 revenue derived from sports wagering at the Twin River and Tiverton gaming facilities, (the hosting  
7 facilities) between the state, the state's authorized sports wagering vendor, and the host facilities.

8 The allocation of sports wagering revenue shall be:

9 (1) To the state, fifty-one percent (51%) of sports wagering revenue;

10 (2) To the state's authorized sports wagering vendor, thirty-two percent (32%) of sports  
11 wagering revenue; and

12 (3) To the host facilities, seventeen percent (17%) of sports wagering revenue.

13 (b) Sports wagering revenue allocated to the state shall be deposited into the state lottery  
14 fund for administrative purposes and then the balance remaining into the general fund.

15 (c) The town of Lincoln shall be paid an annual flat fee of one hundred thousand dollars  
16 (\$100,000) and the town of Tiverton shall be paid an annual flat fee of one hundred thousand dollars  
17 (\$100,000) in compensation for serving as the host communities for sports wagering.

18 **42-61.2-9. Unclaimed prize money, including unclaimed sports wagering payoffs.**

19 Unclaimed prize money for prizes in connection with the play of a video lottery game and  
20 an unclaimed payoff in connection with a sports wager shall be retained by the director for the  
21 person entitled thereto for one year after, respectively, the completion of the applicable video  
22 lottery game or the determination of the result of the sporting event that was the subject of the  
23 applicable sports wager. If no claim is made for the prize money or payoff within that year, the  
24 prize money or payoff shall automatically revert to the lottery fund and the winner shall have no  
25 claim thereto.

26 SECTION 6. Section 42-61.3-2 of the General Laws in Chapter 42-61.3 entitled "Casino  
27 Gaming" is hereby amended to read as follows:

28 **42-61.3-2. Casino gaming crimes.**

29 (a) Definitions as used in this chapter:

30 (1) "Casino gaming" shall have the meaning set forth in the Rhode Island general laws  
31 subdivision 42-61.2-1(8).

32 (2) "Cheat" means to alter the element of chance, method of selection, or criteria which  
33 determines:

34 (i) The result of the game;

1 (ii) The amount or frequency of payment in a game, including intentionally taking  
2 advantage of a malfunctioning machine;

3 (iii) The value of a wagering instrument; or

4 (iv) The value of a wagering credit.

5 (3) "Cheating device" means any physical, mechanical, electromechanical, electronic,  
6 photographic, or computerized device used in such a manner as to cheat, deceive or defraud a casino  
7 game. This includes, but is not limited to:

8 (i) Plastic, tape, string or dental floss, or any other item placed inside a coin or bill acceptor  
9 or any other opening in a video-lottery terminal in a manner to simulate coin or currency  
10 acceptance;

11 (ii) Forged or stolen keys used to gain access to a casino game to remove its contents; and

12 (iii) Game cards or dice that have been tampered with, marked or loaded.

13 (4) "Gaming facility" means any facility authorized to conduct casino gaming as defined  
14 in the Rhode Island general laws subdivision 42-61.2-1(8), including its parking areas and/or  
15 adjacent buildings and structures.

16 (5) "Paraphernalia for the manufacturing of cheating devices" means the equipment,  
17 products or materials that are intended for use in manufacturing, producing, fabricating, preparing,  
18 testing, analyzing, packaging, storing or concealing a counterfeit facsimile of the chips, tokens,  
19 debit instruments or other wagering devices approved by the division of state lottery or lawful coin  
20 or currency of the United States of America. This term includes, but is not limited to:

21 (i) Lead or lead alloy molds, forms, or similar equipment capable of producing a likeness  
22 of a gaming token or United States coin or currency;

23 (ii) Melting pots or other receptacles;

24 (iii) Torches, tongs, trimming tools or other similar equipment; and

25 (iv) Equipment that can be used to manufacture facsimiles of debit instruments or wagering  
26 instruments approved by the division of state lottery.

27 (6) "Table game" shall have the meaning set forth in Rhode Island general laws subdivision  
28 42-61.2-1(11).

29 (7) "Wager" means a sum of money or representative of value that is risked on an  
30 occurrence for which the outcome is uncertain.

31 (b) Prohibited acts and penalties. It shall be unlawful for any person to:

32 (1) Use, or attempt to use, a cheating device in a casino game or to have possession of such  
33 a device in a gaming facility. Any person convicted of violating this section shall be guilty of a  
34 felony punishable by imprisonment for not more than ten (10) years or a fine of not more than one

1 hundred thousand dollars (\$100,000), or both;

2 (2) Use, acquire, or possess paraphernalia with intent to cheat, or attempt to use, acquire or  
3 possess, paraphernalia with the intent to manufacture cheating devices. Any person convicted of  
4 violating this section shall be guilty of a felony punishable by imprisonment for not more than ten  
5 (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or both;

6 (3) Cheat, or attempt to cheat, in order to take or collect money or anything of value,  
7 whether for one's self or another, in or from a casino game in a gaming facility. Any person  
8 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not  
9 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or  
10 both;

11 (4) Conduct, carry on, operate, deal, or attempt to conduct, carry on, operate or deal, or  
12 allow to be conducted, carried on, operated, or dealt, any cheating game or device. Any person  
13 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not  
14 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or  
15 both;

16 (5) Manipulate or alter or attempt to manipulate or alter, with the intent to cheat, any  
17 physical, mechanical, electromechanical, electronic, or computerized component of a casino game,  
18 contrary to the designed and normal operational purpose for the component. Any person convicted  
19 of violating this section shall be guilty of a felony punishable by imprisonment for not more than  
20 ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or both;

21 (6) Use, sell or possess, or attempt to use, sell or possess, counterfeit: coins, slugs, tokens,  
22 gaming chips, debit instruments, player rewards cards or any counterfeit wagering instruments  
23 and/or devices resembling tokens, gaming chips, debit or other wagering instruments approved by  
24 the division of state lottery for use in a casino game in a gaming facility. Any person convicted of  
25 violating this section shall be guilty of a felony punishable by imprisonment for not more than ten  
26 (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or both;

27 (7) (i) Place, increase, decrease, cancel or remove a wager or determine the course of play  
28 of a table game, or attempt to place, increase, decrease, cancel or remove a wager or determine the  
29 course of play of a table game, with knowledge of the outcome of the table game where such  
30 knowledge is not available to all players; or

31 (ii) Aid, or attempt to aid anyone in acquiring such knowledge for the purpose of placing,  
32 increasing, decreasing, cancelling or removing a wager or determining the course of play of the  
33 table game. Any person convicted of violating this section shall be guilty of a felony punishable by  
34 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand

1 dollars (\$100,000), or both;

2 (8) Claim, collect or take, or attempt to claim, collect or take, money or anything of value  
3 in or from a casino game or gaming facility, with intent to defraud, or to claim, collect or take an  
4 amount greater than the amount won. Any person convicted of violating this section shall be guilty  
5 of a felony punishable by imprisonment for not more than ten (10) years or a fine of not more than  
6 one hundred thousand dollars (\$100,000), or both;

7 (9) For any employee of a gaming facility or anyone acting on behalf of or at the direction  
8 of an employee of a gaming facility, to knowingly fail to collect, or attempt to fail to collect, a  
9 losing wager or pay, or attempt to pay, an amount greater on any wager than required under the  
10 rules of a casino game. Any person convicted of violating this section shall be guilty of a felony  
11 punishable by imprisonment for not more than ten (10) years or a fine of not more than one hundred  
12 thousand dollars (\$100,000), or both;

13 (10) Directly or indirectly offer, or attempt to offer, to conspire with another, or solicit, or  
14 attempt to solicit, from another, anything of value, for the purpose of influencing the outcome of a  
15 casino game. Any person convicted of violating this section shall be guilty of a felony punishable  
16 by imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand  
17 dollars (\$100,000), or both;

18 (11) Use or possess, or attempt to use or possess, at a gaming facility, without the written  
19 consent of the director of the division of state lottery, any electronic, electrical or mechanical device  
20 designed, constructed or programmed to assist the user or another person with the intent to:

21 (i) Predict the outcome of a casino game;

22 (ii) Keep track of the cards played;

23 (iii) Analyze and/or predict the probability of an occurrence relating to the casino game;

24 and/or

25 (iv) Analyze and/or predict the strategy for playing or wagering to be used in the casino  
26 game. Any person convicted of violating this section shall be guilty of a felony punishable by  
27 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand  
28 dollars (\$100,000), or both;

29 (12) Skim, or attempt to skim, casino gaming proceeds by excluding anything of value  
30 from the deposit, counting, collection, or computation of:

31 (i) Gross revenues from gaming operations or activities;

32 (ii) Net gaming proceeds; and/or

33 (iii) Amounts due the state pursuant to applicable casino gaming-related laws. Any person  
34 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not

1 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or  
2 both;

3 (13) Cheat, or attempt to cheat, in the performance of his/her duties as a dealer or other  
4 casino employee by conducting one's self in a manner that is deceptive to the public or alters the  
5 normal random selection of characteristics or the normal chance or result of the game, including,  
6 but not limited to, using cards, dice or any cheating device(s) which have been marked, tampered  
7 with or altered. Any person convicted of violating this section shall be guilty of a felony punishable  
8 by imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand  
9 dollars (\$100,000), or both;

10 (14) Possess or use, or attempt to use, without proper authorization from the state lottery  
11 division, while in the gaming facility any key or device designed for the purpose of or suitable for  
12 opening or entering any self-redemption unit (kiosk), vault, video-lottery terminal, drop box or any  
13 secured area in the gaming facility that contains casino gaming and/or surveillance equipment,  
14 computers, electrical systems, currency, cards, chips, dice, or any other thing of value. Any person  
15 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not  
16 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or  
17 both;

18 (15) Tamper and/or interfere, or attempt to tamper and/or interfere, with any casino gaming  
19 and/or surveillance equipment, including, but not limited to, related computers and electrical  
20 systems. Any person convicted of violating this section shall be guilty of a felony punishable by  
21 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand  
22 dollars (\$100,000), or both;

23 (16) Access, interfere with, infiltrate, hack into or infect, or attempt to access, interfere  
24 with, infiltrate, hack into or infect, any casino gaming-related computer, network, hardware and/or  
25 software or other equipment. Any person convicted of violating this section shall be guilty of a  
26 felony punishable by imprisonment for not more than ten (10) years or a fine of not more than one  
27 hundred thousand dollars (\$100,000), or both;

28 (17) Sell, trade, barter, profit from or otherwise use to one's financial advantage, or attempt  
29 to sell, trade, barter, profit from or otherwise use to one's financial advantage, any confidential  
30 information related to casino-gaming operations, including, but not limited to, data (whether stored  
31 on a computer's software, hardware, network or elsewhere), passwords, codes, surveillance and  
32 security characteristics and/or vulnerabilities, and/or non-public internal controls, policies and  
33 procedures related thereto. Any person convicted of violating this section shall be guilty of a felony  
34 punishable by imprisonment for not more than ten (10) years or a fine of not more than one hundred

1 thousand dollars (\$100,000), or both;

2 (18) Conduct a gaming operation, or attempt to conduct a gaming operation, where  
3 wagering is used or to be used without a license issued by [or authorization from](#) the division of  
4 state lottery. Any person convicted of violating this section shall be guilty of a felony punishable  
5 by imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand  
6 dollars (\$100,000), or both;

7 (19) Provide false information and/or testimony to the division of state lottery, department  
8 of business regulation, or their authorized representatives and/or the state police while under oath.  
9 Any person convicted of violating this section shall be guilty of a felony punishable by  
10 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand  
11 dollars (\$100,000), or both;

12 (20) Play a casino game and/or make a wager, or attempting to play a casino game and/or  
13 make a wager, if under the age eighteen (18) years. Any person charged under this section shall be  
14 referred to family court; or

15 (21) Permit, or attempt to permit, a person to play a casino game and/or accept, or attempt  
16 to accept, a wager from a person, if he/she is under the age of eighteen (18) years. Any person  
17 convicted of violating this section be guilty of a misdemeanor punishable by imprisonment for not  
18 more than one year or a fine of not more than one thousand dollars (\$1,000), or both.

19 SECTION 7. Section 11-19-14 of the General Laws in Chapter 11-19 entitled "Gambling  
20 and Lotteries" is hereby amended to read as follows:

21 **11-19-14. Bookmaking.**

22 Except as provided in chapter 4 of title 41 [and excluding activities authorized by the](#)  
23 [division of lottery under chapters 61 and 61.2 of title 42](#), any person who shall engage in pool  
24 selling or bookmaking, or shall occupy or keep any room, shed, tenement, tent, or building, or any  
25 part of them, or shall occupy any place upon any public or private grounds within this state, with  
26 books, apparatus, or paraphernalia for the purpose of recording or registering bets or wagers or of  
27 buying or selling pools, or who shall record or register bets or wagers or sell pools upon the result  
28 of any trial or contest of skill, speed or power of endurance of man or beast, or upon the result of  
29 any political nomination, appointment, or election, or, being the owner or lessee or occupant of any  
30 room, tent, tenement, shed, booth, or building, or part of them, knowingly shall permit it to be used  
31 or occupied for any of these purposes, or shall keep, exhibit or employ any device or apparatus for  
32 the purpose of recording or registering bets or wagers, or the selling of pools, or shall become the  
33 custodian or depositary for gain, hire, or reward of any money, property, or thing of value staked,  
34 wagered, or pledged or to be wagered or pledged upon the result, or who shall receive, register,

1 record, forward, or purport or pretend to forward to or for any race course, or person, within or  
2 outside this state, any money, thing, or consideration of value bet or wagered, or money, thing, or  
3 consideration of value offered for the purpose of being bet or wagered upon the speed or endurance  
4 of any man or beast; or who shall occupy any place or building or part of it with books, papers,  
5 apparatus, or paraphernalia for the purpose of receiving or pretending to receive, or for recording  
6 or registering, or for forwarding or pretending or attempting to forward in any manner whatsoever,  
7 any money, thing, or consideration of value bet or wagered or to be bet or wagered for any other  
8 person, or who shall receive or offer to receive any money, thing, or consideration of value bet or  
9 to be bet at any race track within or without this state, or who shall aid, assist or abet in any manner  
10 in any of the acts forbidden by this section, shall upon conviction be punished by a fine not  
11 exceeding five hundred dollars (\$500) or imprisonment not exceeding one year, and upon a second  
12 conviction of a violation of this section shall be imprisoned for a period not less than one nor more  
13 than five (5) years.

14 SECTION 8. Sections 42-142-1 and 42-142-2 of the General Laws in Chapter entitled  
15 "Department of Revenue" are hereby amended to read as follows:

16 **42-142-1. Department of revenue.**

17 (a) There is hereby established within the executive branch of state government a  
18 department of revenue.

19 (b) The head of the department shall be the director of revenue, who shall be appointed by  
20 the governor, with the advice and consent of the senate, and shall serve at the pleasure of the  
21 governor.

22 (c) The department shall contain the division of taxation (chapter 1 of title 44), the division  
23 of motor vehicles (chapter 2 of title 31), the division of state lottery (chapter 61 of title 42), the  
24 office of revenue analysis (chapter 142 of title 42), the division of municipal finance (chapter 142  
25 of title 42), [and a collection unit \(chapter 142 of title 42\)](#). Any reference to the division of property  
26 valuation, division of property valuation and municipal finance, or office of municipal affairs in  
27 the Rhode Island general laws shall mean the division of municipal finance.

28 **42-142-2. Powers and duties of the department.**

29 The department of revenue shall have the following powers and duties:

30 (a) To operate a division of taxation;

31 (b) To operate a division of motor vehicles;

32 (c) To operate a division of state lottery;

33 (d) To operate an office of revenue analysis; ~~and~~

34 (e) To operate a division of property valuation; [and](#)

1 (f) To operate a collection unit.

2 SECTION 9. Chapter 42-142 of the General Laws entitled "Department of Revenue" is  
3 hereby amended by adding thereto the following section:

4 **42-142-8. Collection unit.**

5 (a) The director of the department of revenue is authorized to establish within the  
6 department of revenue a collections unit for the purpose of assisting state agencies in the collection  
7 of debts owed to the state. The director of the department of revenue may enter into an agreement  
8 with any state agency(ies) to collect any delinquent debt owed to the state.

9 (b) The director of the department of revenue shall initially implement a pilot program to  
10 assist the agency(ies) with the collection of delinquent debts owed to the state.

11 (c) The agency(ies) participating in the pilot program shall refer to the collection unit  
12 within department of revenue, debts owed by delinquent debtors where the nature and amount of  
13 the debt owed has been determined and reconciled by the agency and the debt is: (i) The subject of  
14 a written settlement agreement and/or written waiver agreement and the delinquent debtor has  
15 failed to timely make payments under said agreement and/or waiver and is therefore in violation of  
16 the terms of said agreement and/or waiver; (ii) The subject of a final administrative order or  
17 decision and the debtor has not timely appealed said order or decision; (iii) The subject of final  
18 order, judgement or decision of a court of competent jurisdiction and the debtor has not timely  
19 appealed said order, judgement or decision. The collections unit shall not accept a referral of any  
20 delinquent debt unless it satisfies subsection (c)(i), (ii) or (iii) of this section.

21 (d) Any agency(ies) entering into an agreement with the department of revenue to allow  
22 the collection unit of the department to collect a delinquent debt owed to the state shall indemnify  
23 the department of revenue against injuries, actions, liabilities, or proceedings arising from the  
24 collection, or attempted collection, by the collection unit of the debt owed to the state.

25 (e) Before referring a delinquent debt to the collection unit, the agency(ies) must notify the  
26 debtor of its intention to submit the debt to the collection unit for collection and of the debtor's right  
27 to appeal that decision not less than thirty (30) days before the debt is submitted to the collection  
28 unit.

29 (f) At such time as the agency(ies) refers a delinquent debt to the collection unit, the agency  
30 shall: (i) Represent in writing to the collection unit that it has complied with all applicable state and  
31 federal laws and regulations relating to the collection of the debt, including, but not limited to, the  
32 requirement to provide the debtor with the notice of referral to the collection unit under section (e)  
33 of this section; and (ii) Provide the collection unit personnel with all relevant supporting  
34 documentation including, not limited to notices, invoices, ledgers, correspondence, agreements,

1 waivers, decisions, orders and judgements necessary for the collection unit to attempt to collect the  
2 delinquent debt.

3 (g) The referring agency(ies) shall assist the collection unit by providing any and all  
4 information, expertise and resources deemed necessary by the collection unit to collect the  
5 delinquent debts referred to the collection unit.

6 (h) Upon receipt of a referral of a delinquent debt from an agency(ies), the amount of the  
7 delinquent debt shall accrue interest at an annual rate with such rate determined by adding two (2)  
8 percent to the prime rate which was in effect on October 1 of the preceding year; provided however,  
9 in no event shall the rate of interest exceed twenty-one (21%) per annum nor be less than eighteen  
10 percent (18%) per annum.

11 (i) Upon receipt of a referral of a delinquent debt from the agency(ies), the collection unit  
12 shall provide the delinquent debtor with a "Notice of Referral" advising the debtor that:

13 (1) The delinquent debt has been referred to the collection unit for collection; and

14 (2) The collection unit will initiate, in its names, any action that is available under state law  
15 for the collection of the delinquent debt, including, but not limited to, referring the debt to a third  
16 party to initiate said action.

17 (j) Upon receipt of a referral of a delinquent debt from an agency(ies), the director of the  
18 department of revenue shall have the authority to institute, in its name, any action(s) that are  
19 available under state law for collection of the delinquent debt and interest, penalties and/or fees  
20 thereon and to, with or without suit, settle the delinquent debt.

21 (k) In exercising its authority under this section, the collection unit shall comply with all  
22 state and federal laws and regulations related to the collection of debts.

23 (l) Upon of the receipt of payment from a delinquent debtor, whether a full or partial  
24 payment, the collection unit shall disburse/deposit the proceeds of said payment in the following  
25 order:

26 (1) To the appropriate federal account to reimburse the federal government funds owed to  
27 them by the state from funds recovered; and

28 (2) The balance of the amount collected to the referring agency.

29 (m) Notwithstanding the above, the establishment of a collection unit within the department  
30 of revenue shall be contingent upon an annual appropriation by the general assembly of amounts  
31 necessary and sufficient to cover the costs and expenses to establish, maintain and operate the  
32 collection unit including, but not limited, computer hardware and software, maintenance of the  
33 computer system to manage the system and personnel perform work within the collection unit.

34 (n) In addition to the implementation of any pilot program, the collection unit shall comply

1 with the provisions of this section in the collection of all delinquent debts under to this section.

2 (o) The department of revenue is authorized to promulgate rules and regulations as it deems  
3 appropriate with respect to the collection unit.

4 (p) By September 1, 2020 and each year thereafter, the department of revenue shall  
5 specifically assess the performance, effectiveness, and revenue impact of the collections associated  
6 with this section, including, but not limited to, the total amounts referred and collected by each  
7 referring agency during the previous state fiscal year to the governor, the speaker of the house of  
8 representatives, the president of the senate, and the chairpersons of the house and senate finance  
9 committees, the house and senate fiscal advisors. Such report shall include the net revenue impact  
10 to the state of the collections unit.

11 (q) No operations of a collections unit pursuant to this chapter shall be authorized after  
12 June 30, 2021.

13 SECTION 10. Sections 44-18-7, 44-18-7.1, 44-18-7.3, 44-18-8, 44-18-15, 44-18-20, 44-  
14 18-21, 44-18-22, 44-18-23, 44-18-25, and 44-18-30 of the General Laws in Chapter 44-18 entitled  
15 "Sales and Use Taxes – Liability and Computation" are hereby amended to read as follows:

16 **44-18-7. Sales defined.**

17 "Sales" means and includes:

18 (1) Any transfer of title or possession, exchange, barter, lease, or rental, conditional or  
19 otherwise, in any manner or by any means of tangible personal property for a consideration.  
20 "Transfer of possession", "lease", or "rental" includes transactions found by the tax administrator  
21 to be in lieu of a transfer of title, exchange, or barter.

22 (2) The producing, fabricating, processing, printing, or imprinting of tangible personal  
23 property for a consideration for consumers who furnish either directly or indirectly the materials  
24 used in the producing, fabricating, processing, printing, or imprinting.

25 (3) The furnishing and distributing of tangible personal property for a consideration by  
26 social, athletic, and similar clubs and fraternal organizations to their members or others.

27 (4) The furnishing, preparing, or serving for consideration of food, meals, or drinks,  
28 including any cover, minimum, entertainment, or other charge in connection therewith.

29 (5) A transaction whereby the possession of tangible personal property is transferred, but  
30 the seller retains the title as security for the payment of the price.

31 (6) Any withdrawal, except a withdrawal pursuant to a transaction in foreign or interstate  
32 commerce, of tangible personal property from the place where it is located for delivery to a point  
33 in this state for the purpose of the transfer of title or possession, exchange, barter, lease, or rental,  
34 conditional or otherwise, in any manner or by any means whatsoever, of the property for a

1 consideration.

2 (7) A transfer for a consideration of the title or possession of tangible personal property,  
3 which has been produced, fabricated, or printed to the special order of the customer, or any  
4 publication.

5 (8) The furnishing and distributing of electricity, natural gas, artificial gas, steam,  
6 refrigeration, and water.

7 (9)(i) The furnishing for consideration of intrastate, interstate and international  
8 telecommunications service sourced in this state in accordance with subsections 44-18.1(15) and  
9 (16) and all ancillary services, any maintenance services of telecommunication equipment other  
10 than as provided for in subdivision 44-18-12(b)(ii). For the purposes of chapters 18 and 19 of this  
11 title only, telecommunication service does not include service rendered using a prepaid telephone  
12 calling arrangement.

13 (ii) Notwithstanding the provisions of paragraph (i) of this subdivision, in accordance with  
14 the Mobile Telecommunications Sourcing Act (4 U.S.C. §§ 116 – 126), subject to the specific  
15 exemptions described in 4 U.S.C. § 116(c), and the exemptions provided in §§ 44-18-8 and 44-18-  
16 12, mobile telecommunications services that are deemed to be provided by the customer's home  
17 service provider are subject to tax under this chapter if the customer's place of primary use is in this  
18 state regardless of where the mobile telecommunications services originate, terminate or pass  
19 through. Mobile telecommunications services provided to a customer, the charges for which are  
20 billed by or for the customer's home service provider, shall be deemed to be provided by the  
21 customer's home service provider.

22 (10) The furnishing of service for transmission of messages by telegraph, cable, or radio  
23 and the furnishing of community antenna television, subscription television, and cable television  
24 services.

25 (11) The rental of living quarters in any hotel, rooming house, or tourist camp.

26 (12) The transfer for consideration of prepaid telephone calling arrangements and the  
27 recharge of prepaid telephone calling arrangements sourced to this state in accordance with §§ 44-  
28 18.1-11 and 44-18.1-15. "Prepaid telephone calling arrangement" means and includes prepaid  
29 calling service and prepaid wireless calling service.

30 (13) The sale, storage, use or other consumption of over-the-counter drugs as defined in  
31 paragraph 44-18-7.1(h)(ii).

32 (14) The sale, storage, use or other consumption of prewritten computer software delivered  
33 electronically or by load and leave as defined in paragraph 44-18-7.1(g)(v).

34 [\(15\) The sale, storage, use or other consumption of vendor-hosted prewritten computer](#)

1 [software as defined in § 44-18-7.1\(g\)\(vii\).](#)

2 ~~(15)~~(16) The sale, storage, use or other consumption of medical marijuana as defined in §  
3 21-28.6-3.

4 ~~(16)~~(17) The furnishing of services in this state as defined in § 44-18-7.3.

5 **44-18-7.1. Additional Definitions.**

6 (a) "Agreement" means the streamlined sales and use tax agreement.

7 (b) "Alcoholic beverages" means beverages that are suitable for human consumption and  
8 contain one-half of one percent (.5%) or more of alcohol by volume.

9 (c) "Bundled transaction" is the retail sale of two or more products, except real property  
10 and services to real property, where (1) The products are otherwise distinct and identifiable, and  
11 (2) The products are sold for one non-itemized price. A "bundled transaction" does not include the  
12 sale of any products in which the "sales price" varies, or is negotiable, based on the selection by  
13 the purchaser of the products included in the transaction.

14 (i) "Distinct and identifiable products" does not include:

15 (A) Packaging – such as containers, boxes, sacks, bags, and bottles – or other materials –  
16 such as wrapping, labels, tags, and instruction guides – that accompany the "retail sale" of the  
17 products and are incidental or immaterial to the "retail sale" thereof. Examples of packaging that  
18 are incidental or immaterial include grocery sacks, shoeboxes, dry cleaning garment bags, and  
19 express delivery envelopes and boxes.

20 (B) A product provided free of charge with the required purchase of another product. A  
21 product is "provided free of charge" if the "sales price" of the product purchased does not vary  
22 depending on the inclusion of the products "provided free of charge."

23 (C) Items included in the member state's definition of "sales price," pursuant to appendix  
24 C of the agreement.

25 (ii) The term "one non-itemized price" does not include a price that is separately identified  
26 by product on binding sales or other supporting sales-related documentation made available to the  
27 customer in paper or electronic form including, but not limited to, an invoice, bill of sale, receipt,  
28 contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or  
29 price list.

30 (iii) A transaction that otherwise meets the definition of a "bundled transaction" as defined  
31 above, is not a "bundled transaction" if it is:

32 (A) The "retail sale" of tangible personal property and a service where the tangible personal  
33 property is essential to the use of the service, and is provided exclusively in connection with the  
34 service, and the true object of the transaction is the service; or

1 (B) The "retail sale" of services where one service is provided that is essential to the use or  
2 receipt of a second service and the first service is provided exclusively in connection with the  
3 second service and the true object of the transaction is the second service; or

4 (C) A transaction that includes taxable products and nontaxable products and the "purchase  
5 price" or "sales price" of the taxable products is de minimis.

6 1. De minimis means the seller's "purchase price" or "sales price" of the taxable products  
7 is ten percent (10%) or less of the total "purchase price" or "sales price" of the bundled products.

8 2. Sellers shall use either the "purchase price" or the "sales price" of the products to  
9 determine if the taxable products are de minimis. Sellers may not use a combination of the  
10 "purchase price" and "sales price" of the products to determine if the taxable products are de  
11 minimis.

12 3. Sellers shall use the full term of a service contract to determine if the taxable products  
13 are de minimis; or

14 (D) The "retail sale" of exempt tangible personal property and taxable tangible personal  
15 property where:

16 1. The transaction includes "food and food ingredients", "drugs", "durable medical  
17 equipment", "mobility enhancing equipment", "over-the-counter drugs", "prosthetic devices" (all  
18 as defined in this section) or medical supplies; and

19 2. Where the seller's "purchase price" or "sales price" of the taxable tangible personal  
20 property is fifty percent (50%) or less of the total "purchase price" or "sales price" of the bundled  
21 tangible personal property. Sellers may not use a combination of the "purchase price" and "sales  
22 price" of the tangible personal property when making the fifty percent (50%) determination for a  
23 transaction.

24 (d) "Certified automated system (CAS)" means software certified under the agreement to  
25 calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit  
26 to the appropriate state, and maintain a record of the transaction.

27 (e) "Certified service provider (CSP)" means an agent certified under the agreement to  
28 perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on  
29 its own purchases.

30 *(f) Clothing and Related Items*

31 (i) "Clothing" means all human wearing apparel suitable for general use.

32 (ii) "Clothing accessories or equipment" means incidental items worn on the person or in  
33 conjunction with "clothing." "Clothing accessories or equipment" does not include "clothing",  
34 "sport or recreational equipment", or "protective equipment."

1 (iii) "Protective equipment" means items for human wear and designed as protection of the  
2 wearer against injury or disease or as protections against damage or injury of other persons or  
3 property but not suitable for general use. "Protective equipment" does not include "clothing",  
4 "clothing accessories or equipment", and "sport or recreational equipment."

5 (iv) "Sport or recreational equipment" means items designed for human use and worn in  
6 conjunction with an athletic or recreational activity that are not suitable for general use. "Sport or  
7 recreational equipment" does not include "clothing", "clothing accessories or equipment", and  
8 "protective equipment."

9 (g) *Computer and Related Items*

10 (i) "Computer" means an electronic device that accepts information in digital or similar  
11 form and manipulates it for a result based on a sequence of instructions.

12 (ii) "Computer software" means a set of coded instructions designed to cause a "computer"  
13 or automatic data processing equipment to perform a task.

14 (iii) "Delivered electronically" means delivered to the purchaser by means other than  
15 tangible storage media.

16 (iv) "Electronic" means relating to technology having electrical, digital, magnetic, wireless,  
17 optical, electromagnetic, or similar capabilities.

18 (v) "Load and leave" means delivery to the purchaser by use of a tangible storage media  
19 where the tangible storage media is not physically transferred to the purchaser.

20 (vi) "Prewritten computer software" means "computer software," including prewritten  
21 upgrades, that is not designed and developed by the author or other creator to the specifications of  
22 a specific purchaser. The combining of two (2) or more "prewritten computer software" programs  
23 or prewritten portions thereof does not cause the combination to be other than "prewritten computer  
24 software." "Prewritten computer software" includes software designed and developed by the author  
25 or other creator to the specifications of a specific purchaser when it is sold to a person other than  
26 the specific purchaser. Where a person modifies or enhances "computer software" of which the  
27 person is not the author or creator, the person shall be deemed to be the author or creator only of  
28 such person's modifications or enhancements. "Prewritten computer software" or a prewritten  
29 portion thereof that is modified or enhanced to any degree, where such modification or  
30 enhancement is designed and developed to the specifications of a specific purchaser, remains  
31 "prewritten computer software"; provided, however, that where there is a reasonable, separately  
32 stated charge or an invoice or other statement of the price given to the purchaser for such  
33 modification or enhancement, such modification or enhancement shall not constitute "prewritten  
34 computer software."

1 (vii) "Vendor-hosted prewritten computer software" means prewritten computer software  
2 that is accessed through the Internet and/or a vendor-hosted server regardless of whether the access  
3 is permanent or temporary and regardless of whether any downloading occurs.

4 *(h) Drugs and Related Items*

5 (i) "Drug" means a compound, substance, or preparation, and any component of a  
6 compound, substance, or preparation, other than "food and food ingredients," "dietary  
7 supplements" or "alcoholic beverages":

8 (A) Recognized in the official United States Pharmacopoeia, official Homeopathic  
9 Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them;

10 or

11 (B) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease;

12 or

13 (C) Intended to affect the structure or any function of the body.

14 "Drug" shall also include insulin and medical oxygen whether or not sold on prescription.

15 (ii) "Over-the-counter drug" means a drug that contains a label that identifies the product  
16 as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter drug" label includes:

17 (A) A "Drug Facts" panel; or

18 (B) A statement of the "active ingredient(s)" with a list of those ingredients contained in  
19 the compound, substance, or preparation.

20 "Over-the-counter drug" shall not include "grooming and hygiene products."

21 (iii) "Grooming and hygiene products" are soaps and cleaning solutions, shampoo,  
22 toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the  
23 items meet the definition of "over-the-counter drugs."

24 (iv) "Prescription" means an order, formula, or recipe issued in any form of oral, written,  
25 electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of  
26 the member state.

27 (i) "Delivery charges" means charges by the seller of personal property or services for  
28 preparation and delivery to a location designated by the purchaser of personal property or services  
29 including, but not limited to: transportation, shipping, postage, handling, crating, and packing.

30 "Delivery charges" shall not include the charges for delivery of "direct mail" if the charges  
31 are separately stated on an invoice or similar billing document given to the purchaser.

32 (j) "Direct mail" means printed material delivered or distributed by United States mail or  
33 other delivery service to a mass audience or to addressees on a mailing list provided by the  
34 purchaser or at the direction of the purchaser when the cost of the items are not billed directly to

1 the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by  
2 the purchaser to the direct mail seller for inclusion in the package containing the printed material.  
3 "Direct mail" does not include multiple items of printed material delivered to a single address.

4 (k) "Durable medical equipment" means equipment including repair and replacement parts  
5 for same which:

- 6 (i) Can withstand repeated use; and  
7 (ii) Is primarily and customarily used to serve a medical purpose; and  
8 (iii) Generally is not useful to a person in the absence of illness or injury; and  
9 (iv) Is not worn in or on the body.

10 Durable medical equipment does not include mobility enhancing equipment.

11 *(l) Food and Related Items*

12 (i) "Food and food ingredients" means substances, whether in liquid, concentrated, solid,  
13 frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are  
14 consumed for their taste or nutritional value ~~and seeds and plants used to grow food and food~~  
15 ~~ingredients.~~ "Food and food ingredients" does not include "alcoholic beverages", "tobacco",  
16 "candy", "dietary supplements", and "soft drinks." ~~or "marijuana seeds or plants."~~

17 (ii) "Prepared food" means:

18 (A) Food sold in a heated state or heated by the seller;

19 (B) Two (2) or more food ingredients mixed or combined by the seller for sale as a single  
20 item; or

21 (C) Food sold with eating utensils provided by the seller, including: plates, knives, forks,  
22 spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to  
23 transport the food.

24 "Prepared food" in (B) does not include food that is only cut, repackaged, or pasteurized  
25 by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring  
26 cooking by the consumer as recommended by the Food and Drug Administration in chapter 3, part  
27 401.11 of its Food Code so as to prevent food borne illnesses.

28 (iii) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners  
29 in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars,  
30 drops, or pieces. "Candy" shall not include any preparation containing flour and shall require no  
31 refrigeration.

32 (iv) "Soft drinks" means non-alcoholic beverages that contain natural or artificial  
33 sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice, or  
34 similar milk substitutes, or greater than fifty percent (50%) of vegetable or fruit juice by volume.

1 (v) "Dietary supplement" means any product, other than "tobacco", intended to supplement  
2 the diet that:

3 (A) Contains one or more of the following dietary ingredients:

4 1. A vitamin;

5 2. A mineral;

6 3. An herb or other botanical;

7 4. An amino acid;

8 5. A dietary substance for use by humans to supplement the diet by increasing the total  
9 dietary intake; or

10 6. A concentrate, metabolite, constituent, extract, or combination of any ingredient  
11 described above; and

12 (B) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or  
13 if not intended for ingestion in such a form, is not represented as conventional food and is not  
14 represented for use as a sole item of a meal or of the diet; and

15 (C) Is required to be labeled as a dietary supplement, identifiable by the "supplemental  
16 facts" box found on the label and as required pursuant to 21 C.F.R. § 101.36.

17 (m) "Food sold through vending machines" means food dispensed from a machine or other  
18 mechanical device that accepts payment.

19 (n) "Hotel" means every building or other structure kept, used, maintained, advertised as,  
20 or held out to the public to be a place where living quarters are supplied for pay to transient or  
21 permanent guests and tenants and includes a motel.

22 (i) "Living quarters" means sleeping rooms, sleeping or housekeeping accommodations, or  
23 any other room or accommodation in any part of the hotel, rooming house, or tourist camp that is  
24 available for or rented out for hire in the lodging of guests.

25 (ii) "Rooming house" means every house, boat, vehicle, motor court, or other structure  
26 kept, used, maintained, advertised, or held out to the public to be a place where living quarters are  
27 supplied for pay to transient or permanent guests or tenants, whether in one or adjoining buildings.

28 (iii) "Tourist camp" means a place where tents or tent houses, or camp cottages, or cabins  
29 or other structures are located and offered to the public or any segment thereof for human  
30 habitation.

31 (o) "Lease or rental" means any transfer of possession or control of tangible personal  
32 property for a fixed or indeterminate term for consideration. A lease or rental may include future  
33 options to purchase or extend. Lease or rental does not include:

34 (i) A transfer of possession or control of property under a security agreement or deferred

1 payment plan that requires the transfer of title upon completion of the required payments;

2 (ii) A transfer of possession or control of property under an agreement that requires the  
3 transfer of title upon completion of required payments and payment of an option price does not  
4 exceed the greater of one hundred dollars (\$100) or one percent of the total required payments; or

5 (iii) Providing tangible personal property along with an operator for a fixed or  
6 indeterminate period of time. A condition of this exclusion is that the operator is necessary for the  
7 equipment to perform as designed. For the purpose of this subsection, an operator must do more  
8 than maintain, inspect, or set-up the tangible personal property.

9 (iv) Lease or rental does include agreements covering motor vehicles and trailers where the  
10 amount of consideration may be increased or decreased by reference to the amount realized upon  
11 sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

12 (v) This definition shall be used for sales and use tax purposes regardless if a transaction  
13 is characterized as a lease or rental under generally accepted accounting principles, the Internal  
14 Revenue Code, the Uniform Commercial Code, or other provisions of federal, state, or local law.

15 (vi) This definition will be applied only prospectively from the date of adoption and will  
16 have no retroactive impact on existing leases or rentals. This definition shall neither impact any  
17 existing sale-leaseback exemption or exclusions that a state may have, nor preclude a state from  
18 adopting a sale-leaseback exemption or exclusion after the effective date of the agreement.

19 (p) "Mobility enhancing equipment" means equipment, including repair and replacement  
20 parts to same, that:

21 (i) Is primarily and customarily used to provide or increase the ability to move from one  
22 place to another and that is appropriate for use either in a home or a motor vehicle; and

23 (ii) Is not generally used by persons with normal mobility; and

24 (iii) Does not include any motor vehicle or equipment on a motor vehicle normally  
25 provided by a motor vehicle manufacturer.

26 Mobility enhancing equipment does not include durable medical equipment.

27 (q) "Model 1 Seller" means a seller that has selected a CSP as its agent to perform all the  
28 seller's sales and use tax functions, other than the seller's obligation to remit tax on its own  
29 purchases.

30 (r) "Model 2 Seller" means a seller that has selected a CAS to perform part of its sales and  
31 use tax functions, but retains responsibility for remitting the tax.

32 (s) "Model 3 Seller" means a seller that has sales in at least five member states, has total  
33 annual sales revenue of at least five hundred million dollars (\$500,000,000), has a proprietary  
34 system that calculates the amount of tax due each jurisdiction, and has entered into a performance

1 agreement with the member states that establishes a tax performance standard for the seller. As  
2 used in this definition, a seller includes an affiliated group of sellers using the same proprietary  
3 system.

4 (t) "Prosthetic device" means a replacement, corrective, or supportive device including  
5 repair and replacement parts for same worn on or in the body to:

6 (i) Artificially replace a missing portion of the body;

7 (ii) Prevent or correct physical deformity or malfunction; or

8 (iii) Support a weak or deformed portion of the body.

9 (u) "Purchaser" means a person to whom a sale of personal property is made or to whom a  
10 service is furnished.

11 (v) "Purchase price" applies to the measure subject to use tax and has the same meaning as  
12 sales price.

13 (w) "Seller" means a person making sales, leases, or rentals of personal property or  
14 services.

15 (x) "State" means any state of the United States and the District of Columbia.

16 (y) "Telecommunications" tax base/exemption terms

17 (i) Telecommunication terms shall be defined as follows:

18 (A) "Ancillary services" means services that are associated with or incidental to the  
19 provision of "telecommunications services", including, but not limited to, "detailed  
20 telecommunications billing", "directory assistance", "vertical service", and "voice mail services".

21 (B) "Conference bridging service" means an "ancillary service" that links two (2) or more  
22 participants of an audio or video conference call and may include the provision of a telephone  
23 number. "Conference bridging service" does not include the "telecommunications services" used  
24 to reach the conference bridge.

25 (C) "Detailed telecommunications billing service" means an "ancillary service" of  
26 separately stating information pertaining to individual calls on a customer's billing statement.

27 (D) "Directory assistance" means an "ancillary service" of providing telephone number  
28 information, and/or address information.

29 (E) "Vertical service" means an "ancillary service" that is offered in connection with one  
30 or more "telecommunications services", which offers advanced calling features that allow  
31 customers to identify callers and to manage multiple calls and call connections, including  
32 "conference bridging services".

33 (F) "Voice mail service" means an "ancillary service" that enables the customer to store,  
34 send, or receive recorded messages. "Voice mail service" does not include any "vertical services"

1 that the customer may be required to have in order to utilize the "voice mail service".

2 (G) "Telecommunications service" means the electronic transmission, conveyance, or  
3 routing of voice, data, audio, video, or any other information or signals to a point, or between or  
4 among points. The term "telecommunications service" includes such transmission, conveyance, or  
5 routing in which computer processing applications are used to act on the form, code, or protocol of  
6 the content for purposes of transmission, conveyance, or routing without regard to whether such  
7 service is referred to as voice over internet protocol services or is classified by the Federal  
8 Communications Commission as enhanced or value added. "Telecommunications service" does not  
9 include:

10 (1) Data processing and information services that allow data to be generated, acquired,  
11 stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where  
12 such purchaser's primary purpose for the underlying transaction is the processed data or  
13 information;

14 (2) Installation or maintenance of wiring or equipment on a customer's premises;

15 (3) Tangible personal property;

16 (4) Advertising, including, but not limited to, directory advertising;

17 (5) Billing and collection services provided to third parties;

18 (6) Internet access service;

19 (7) Radio and television audio and video programming services, regardless of the medium,  
20 including the furnishing of transmission, conveyance, and routing of such services by the  
21 programming service provider. Radio and television audio and video programming services shall  
22 include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video  
23 programming services delivered by commercial mobile radio service providers as defined in 47  
24 C.F.R. § 20.3;

25 (8) "Ancillary services"; or

26 (9) Digital products "delivered electronically", including, but not limited to: software,  
27 music, video, reading materials or ring tones.

28 (H) "800 service" means a "telecommunications service" that allows a caller to dial a toll-  
29 free number without incurring a charge for the call. The service is typically marketed under the  
30 name "800", "855", "866", "877", and "888" toll-free calling, and any subsequent numbers  
31 designated by the Federal Communications Commission.

32 (I) "900 service" means an inbound toll "telecommunications service" purchased by a  
33 subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded  
34 announcement or live service. "900 service" does not include the charge for: collection services

1 provided by the seller of the "telecommunications services" to the subscriber, or service or product  
2 sold by the subscriber to the subscriber's customer. The service is typically marketed under the  
3 name "900 service," and any subsequent numbers designated by the Federal Communications  
4 Commission.

5 (J) "Fixed wireless service" means a "telecommunications service" that provides radio  
6 communication between fixed points.

7 (K) "Mobile wireless service" means a "telecommunications service" that is transmitted,  
8 conveyed, or routed regardless of the technology used, whereby the origination and/or termination  
9 points of the transmission, conveyance, or routing are not fixed, including, by way of example only,  
10 "telecommunications services" that are provided by a commercial mobile radio service provider.

11 (L) "Paging service" means a "telecommunications service" that provides transmission of  
12 coded radio signals for the purpose of activating specific pagers; such transmissions may include  
13 messages and/or sounds.

14 (M) "Prepaid calling service" means the right to access exclusively "telecommunications  
15 services", which must be paid for in advance and that enables the origination of calls using an  
16 access number or authorization code, whether manually or electronically dialed, and that is sold in  
17 predetermined units or dollars of which the number declines with use in a known amount.

18 (N) "Prepaid wireless calling service" means a "telecommunications service" that provides  
19 the right to utilize "mobile wireless service", as well as other non-telecommunications services,  
20 including the download of digital products "delivered electronically", content and "ancillary  
21 services" which must be paid for in advance that is sold in predetermined units of dollars of which  
22 the number declines with use in a known amount.

23 (O) "Private communications service" means a telecommunications service that entitles the  
24 customer to exclusive or priority use of a communications channel or group of channels between  
25 or among termination points, regardless of the manner in which such channel or channels are  
26 connected, and includes switching capacity, extension lines, stations, and any other associated  
27 services that are provided in connection with the use of such channel or channels.

28 (P) "Value-added non-voice data service" means a service that otherwise meets the  
29 definition of "telecommunications services" in which computer processing applications are used to  
30 act on the form, content, code, or protocol of the information or data primarily for a purpose other  
31 than transmission, conveyance, or routing.

32 (ii) "Modifiers of Sales Tax Base/Exemption Terms" – the following terms can be used to  
33 further delineate the type of "telecommunications service" to be taxed or exempted. The terms  
34 would be used with the broader terms and subcategories delineated above.

1 (A) "Coin-operated telephone service" means a "telecommunications service" paid for by  
2 inserting money into a telephone accepting direct deposits of money to operate.

3 (B) "International" means a "telecommunications service" that originates or terminates in  
4 the United States and terminates or originates outside the United States, respectively. United States  
5 includes the District of Columbia or a U.S. territory or possession.

6 (C) "Interstate" means a "telecommunications service" that originates in one United States  
7 state, or a United States territory or possession, and terminates in a different United States state or  
8 a United States territory or possession.

9 (D) "Intrastate" means a "telecommunications service" that originates in one United States  
10 state or a United States territory or possession, and terminates in the same United States state or a  
11 United States territory or possession.

12 (E) "Pay telephone service" means a "telecommunications service" provided through any  
13 pay telephone.

14 (F) "Residential telecommunications service" means a "telecommunications service" or  
15 "ancillary services" provided to an individual for personal use at a residential address, including an  
16 individual dwelling unit such as an apartment. In the case of institutions where individuals reside,  
17 such as schools or nursing homes, "telecommunications service" is considered residential if it is  
18 provided to and paid for by an individual resident rather than the institution.

19 The terms "ancillary services" and "telecommunications service" are defined as a broad  
20 range of services. The terms "ancillary services" and "telecommunications service" are broader  
21 than the sum of the subcategories. Definitions of subcategories of "ancillary services" and  
22 "telecommunications service" can be used by a member state alone or in combination with other  
23 subcategories to define a narrower tax base than the definitions of "ancillary services" and  
24 "telecommunications service" would imply. The subcategories can also be used by a member state  
25 to provide exemptions for certain subcategories of the more broadly defined terms.

26 A member state that specifically imposes tax on, or exempts from tax, local telephone or  
27 local telecommunications service may define "local service" in any manner in accordance with §  
28 44-18.1-28, except as limited by other sections of this Agreement.

29 (z) "Tobacco" means cigarettes, cigars, chewing, or pipe tobacco, or any other item that  
30 contains tobacco.

31 **44-18-7.3. Services defined.**

32 (a) "Services" means all activities engaged in for other persons for a fee, retainer,  
33 commission, or other monetary charge, which activities involve the performance of a service in this  
34 state as distinguished from selling property.

1 (b) The following businesses and services performed in this state, along with the applicable  
2 2007 North American Industrial Classification System (NAICS) codes, are included in the  
3 definition of services:

4 (1) Taxicab and limousine services including but not limited to:

5 (i) Taxicab services including taxi dispatchers (485310); and

6 (ii) Limousine services (485320).

7 (2) Other road transportation service including but not limited to:

8 (i) Charter bus service (485510);

9 (ii) "Transportation network companies" (TNC) defined as an entity that uses a digital  
10 network to connect transportation network company riders to transportation network operators who  
11 provide prearranged rides. Any TNC operating in this state is a retailer as provided in § 44-18-15  
12 and is required to file a business application and registration form and obtain a permit to make sales  
13 at retail with the tax administrator, to charge, collect, and remit Rhode Island sales and use tax; and

14 (iii) All other transit and ground passenger transportation (485999).

15 (3) Pet care services (812910) except veterinary and testing laboratories services.

16 (4)(i) "Room reseller" or "reseller" means any person, except a tour operator as defined in  
17 § 42-63.1-2, having any right, permission, license, or other authority from or through a hotel as  
18 defined in § 42-63.1-2, to reserve, or arrange the transfer of occupancy of, accommodations the  
19 reservation or transfer of which is subject to this chapter, such that the occupant pays all or a portion  
20 of the rental and other fees to the room reseller or reseller, room reseller or reseller shall include,  
21 but not be limited to, sellers of travel packages as defined in this section. Notwithstanding the  
22 provisions of any other law, where said reservation or transfer of occupancy is done using a room  
23 reseller or reseller, the application of the sales and use tax under §§ 44-18-18 and 44-18-20, and  
24 the hotel tax under § 44-18-36.1 shall be as follows: The room reseller or reseller is required to  
25 register with, and shall collect and pay to, the tax administrator the sales and use and hotel taxes,  
26 with said taxes being calculated upon the amount of rental and other fees paid by the occupant to  
27 the room reseller or reseller, less the amount of any rental and other fees paid by the room reseller  
28 or reseller to the hotel. The hotel shall collect and pay to the tax administrator said taxes upon the  
29 amount of rental and other fees paid to the hotel by the room reseller or reseller and/or the occupant.  
30 No assessment shall be made by the tax administrator against a hotel because of an incorrect  
31 remittance of the taxes under this chapter by a room reseller or reseller. No assessment shall be  
32 made by the tax administrator against a room reseller or reseller because of an incorrect remittance  
33 of the taxes under this chapter by a hotel. If the hotel has paid the taxes imposed under this chapter,  
34 the occupant and/or room reseller or reseller, as applicable, shall reimburse the hotel for said taxes.

1 If the room reseller or reseller has paid said taxes, the occupant shall reimburse the room reseller  
2 or reseller for said taxes. Each hotel and room reseller or reseller shall add and collect, from the  
3 occupant or the room reseller or the reseller, the full amount of the taxes imposed on the rental and  
4 other fees. When added to the rental and other fees, the taxes shall be a debt owed by the occupant  
5 to the hotel or room reseller or reseller, as applicable, and shall be recoverable at law in the same  
6 manner as other debts. The amount of the taxes collected by the hotel and/or room reseller or  
7 reseller from the occupant under this chapter shall be stated and charged separately from the rental  
8 and other fees, and shall be shown separately on all records thereof, whether made at the time the  
9 transfer of occupancy occurs, or on any evidence of the transfer issued or used by the hotel or the  
10 room reseller or the reseller. A room reseller or reseller shall not be required to disclose to the  
11 occupant the amount of tax charged by the hotel; provided, however, the room reseller or reseller  
12 shall represent to the occupant that the separately stated taxes charged by the room reseller or  
13 reseller include taxes charged by the hotel. No person shall operate a hotel in this state, or act as a  
14 room reseller or reseller for any hotel in the state, unless the tax administrator has issued a permit  
15 pursuant to § 44-19-1.

16 (ii) "Travel package" means a room, or rooms, bundled with one or more other, separate  
17 components of travel such as air transportation, car rental, or similar items, which travel package  
18 is charged to the customer or occupant for a single, retail price. When the room occupancy is  
19 bundled for a single consideration, with other property, services, amusement charges, or any other  
20 items, the separate sale of which would not otherwise be subject to tax under this chapter, the entire  
21 single consideration shall be treated as the rental or other fees for room occupancy subject to tax  
22 under this chapter; provided, however, that where the amount of the rental, or other fees for room  
23 occupancy is stated separately from the price of such other property, services, amusement charges,  
24 or other items, on any sales slip, invoice, receipt, or other statement given the occupant, and such  
25 rental and other fees are determined by the tax administrator to be reasonable in relation to the  
26 value of such other property, services, amusement charges, or other items, only such separately  
27 stated rental and other fees will be subject to tax under this chapter. The value of the transfer of any  
28 room, or rooms, bundled as part of a travel package may be determined by the tax administrator  
29 from the room reseller's and/or reseller's and/or hotel's books and records that are kept in the regular  
30 course of business.

31 [\(5\) Investigation, Guard, and Armored Car Services \(56161\).](#)

32 (c) All services as defined herein are required to file a business application and registration  
33 form and obtain a permit to make sales at retail with the tax administrator, to charge, collect, and  
34 remit Rhode Island sales and use tax.

1 (d) The tax administrator is authorized to promulgate rules and regulations in accordance  
2 with the provisions of chapter 42-35 to carry out the provisions, policies, and purposes of this  
3 chapter.

4 **44-18-8. Retail sale or sale at retail defined.**

5 A "retail sale" or "sale at retail" means any sale, lease or rentals of tangible personal  
6 property, prewritten computer software delivered electronically or by load and leave, [vendor-hosted](#)  
7 [prewritten computer software](#), or services as defined in § 44-18-7.3 for any purpose other than  
8 resale, sublease or subrent in the regular course of business. The sale of tangible personal property  
9 to be used for purposes of rental in the regular course of business is considered to be a sale for  
10 resale. In regard to telecommunications service as defined in § 44-18-7(9), retail sale does not  
11 include the purchase of telecommunications service by a telecommunications provider from  
12 another telecommunication provider for resale to the ultimate consumer; provided, that the  
13 purchaser submits to the seller a certificate attesting to the applicability of this exclusion, upon  
14 receipt of which the seller is relieved of any tax liability for the sale.

15 **44-18-15. "Retailer" defined.**

16 (a) "Retailer" includes:

17 (1) Every person engaged in the business of making sales at retail including prewritten  
18 computer software delivered electronically or by load and leave, [vendor-hosted prewritten](#)  
19 [computer software](#), sales of services as defined in § 44-18-7.3, and sales at auction of tangible  
20 personal property owned by the person or others.

21 (2) Every person making sales of tangible personal property including prewritten computer  
22 software delivered electronically or by load and leave, [or vendor-hosted prewritten computer](#)  
23 [software](#), or sales of services as defined in § 44-18-7.3, through an independent contractor or other  
24 representative, if the retailer enters into an agreement with a resident of this state, under which the  
25 resident, for a commission or other consideration, directly or indirectly refers potential customers,  
26 whether by a link on an Internet website or otherwise, to the retailer, provided the cumulative gross  
27 receipts from sales by the retailer to customers in the state who are referred to the retailer by all  
28 residents with this type of an agreement with the retailer, is in excess of five thousand dollars  
29 (\$5,000) during the preceding four (4) quarterly periods ending on the last day of March, June,  
30 September and December. Such retailer shall be presumed to be soliciting business through such  
31 independent contractor or other representative, which presumption may be rebutted by proof that  
32 the resident with whom the retailer has an agreement did not engage in any solicitation in the state  
33 on behalf of the retailer that would satisfy the nexus requirement of the United States Constitution  
34 during such four (4) quarterly periods.

1 (3) Every person engaged in the business of making sales for storage, use, or other  
2 consumption of: ~~(i)~~(i) tangible personal property, (ii) sales at auction of tangible personal property  
3 owned by the person or others, (iii) prewritten computer software delivered electronically or by  
4 load and leave, (iv) vendor-hosted prewritten computer software, and ~~(iv)~~(v) services as defined in  
5 § 44-18-7.3.

6 (4) A person conducting a horse race meeting with respect to horses, which are claimed  
7 during the meeting.

8 (5) Every person engaged in the business of renting any living quarters in any hotel as  
9 defined in § 42-63.1-2, rooming house, or tourist camp.

10 (6) Every person maintaining a business within or outside of this state who engages in the  
11 regular or systematic solicitation of sales of tangible personal property, prewritten computer  
12 software delivered electronically or by load and leave, vendor-hosted prewritten computer  
13 software:

14 (i) Advertising in newspapers, magazines, and other periodicals published in this state, sold  
15 over the counter in this state or sold by subscription to residents of this state, billboards located in  
16 this state, airborne advertising messages produced or transported in the airspace above this state,  
17 display cards and posters on common carriers or any other means of public conveyance  
18 incorporated or operated primarily in this state, brochures, catalogs, circulars, coupons, pamphlets,  
19 samples, and similar advertising material mailed to, or distributed within this state to residents of  
20 this state;

21 (ii) Telephone;

22 (iii) Computer assisted shopping networks; and

23 (iv) Television, radio or any other electronic media, which is intended to be broadcast to  
24 consumers located in this state.

25 (b) When the tax administrator determines that it is necessary for the proper administration  
26 of chapters 18 and 19 of this title to regard any salespersons, representatives, truckers, peddlers, or  
27 canvassers as the agents of the dealers, distributors, supervisors, employers, or persons under whom  
28 they operate or from whom they obtain the tangible personal property sold by them, irrespective of  
29 whether they are making sales on their own behalf or on behalf of the dealers, distributors,  
30 supervisors, or employers, the tax administrator may so regard them and may regard the dealers,  
31 distributors, supervisors, or employers as retailers for purposes of chapters 18 and 19 of this title.

32 **44-18-20. Use tax imposed.**

33 (a) An excise tax is imposed on the storage, use, or other consumption in this state of  
34 tangible personal property; prewritten computer software delivered electronically or by load and

1 leave; vendor-hosted prewritten computer software; or services as defined in § 44-18-7.3, including  
2 a motor vehicle, a boat, an airplane, or a trailer, purchased from any retailer at the rate of six percent  
3 (6%) of the sale price of the property.

4 (b) An excise tax is imposed on the storage, use, or other consumption in this state of a  
5 motor vehicle, a boat, an airplane, or a trailer purchased from other than a licensed motor vehicle  
6 dealer or other than a retailer of boats, airplanes, or trailers respectively, at the rate of six percent  
7 (6%) of the sale price of the motor vehicle, boat, airplane, or trailer.

8 (c) The word "trailer," as used in this section and in § 44-18-21, means and includes those  
9 defined in § 31-1-5(a) – (e) and also includes boat trailers, camping trailers, house trailers, and  
10 mobile homes.

11 (d) Notwithstanding the provisions contained in this section and in § 44-18-21 relating to  
12 the imposition of a use tax and liability for this tax on certain casual sales, no tax is payable in any  
13 casual sale:

14 (1) When the transferee or purchaser is the spouse, mother, father, brother, sister, or child  
15 of the transferor or seller;

16 (2) When the transfer or sale is made in connection with the organization, reorganization,  
17 dissolution, or partial liquidation of a business entity, provided:

18 (i) The last taxable sale, transfer, or use of the article being transferred or sold was subjected  
19 to a tax imposed by this chapter;

20 (ii) The transferee is the business entity referred to or is a stockholder, owner, member, or  
21 partner; and

22 (iii) Any gain or loss to the transferor is not recognized for income tax purposes under the  
23 provisions of the federal income tax law and treasury regulations and rulings issued thereunder;

24 (3) When the sale or transfer is of a trailer, other than a camping trailer, of the type  
25 ordinarily used for residential purposes and commonly known as a house trailer or as a mobile  
26 home; or

27 (4) When the transferee or purchaser is exempt under the provisions of § 44-18-30 or other  
28 general law of this state or special act of the general assembly of this state.

29 (e) The term "casual" means a sale made by a person other than a retailer, provided, that in  
30 the case of a sale of a motor vehicle, the term means a sale made by a person other than a licensed  
31 motor vehicle dealer or an auctioneer at an auction sale. In no case is the tax imposed under the  
32 provisions of subsections (a) and (b) of this section on the storage, use, or other consumption in  
33 this state of a used motor vehicle less than the product obtained by multiplying the amount of the  
34 retail dollar value at the time of purchase of the motor vehicle by the applicable tax rate; provided,

1 that where the amount of the sale price exceeds the amount of the retail dollar value, the tax is  
2 based on the sale price. The tax administrator shall use as his or her guide the retail dollar value as  
3 shown in the current issue of any nationally recognized, used-vehicle guide for appraisal purposes  
4 in this state. On request within thirty (30) days by the taxpayer after payment of the tax, if the tax  
5 administrator determines that the retail dollar value as stated in this subsection is inequitable or  
6 unreasonable, he or she shall, after affording the taxpayer reasonable opportunity to be heard, re-  
7 determine the tax.

8 (f) Every person making more than five (5) retail sales of tangible personal property or  
9 prewritten computer software delivered electronically or by load and leave, [or vendor-hosted](#)  
10 [prewritten computer software](#), or services as defined in § 44-18-7.3 during any twelve-month (12)  
11 period, including sales made in the capacity of assignee for the benefit of creditors or receiver or  
12 trustee in bankruptcy, is considered a retailer within the provisions of this chapter.

13 (g)(1) "Casual sale" includes a sale of tangible personal property not held or used by a  
14 seller in the course of activities for which the seller is required to hold a seller's permit or permits  
15 or would be required to hold a seller's permit or permits if the activities were conducted in this  
16 state, provided that the sale is not one of a series of sales sufficient in number, scope, and character  
17 (more than five (5) in any twelve-month (12) period) to constitute an activity for which the seller  
18 is required to hold a seller's permit or would be required to hold a seller's permit if the activity were  
19 conducted in this state.

20 (2) Casual sales also include sales made at bazaars, fairs, picnics, or similar events by  
21 nonprofit organizations, that are organized for charitable, educational, civic, religious, social,  
22 recreational, fraternal, or literary purposes during two (2) events not to exceed a total of six (6)  
23 days duration each calendar year. Each event requires the issuance of a permit by the division of  
24 taxation. Where sales are made at events by a vendor that holds a sales tax permit and is not a  
25 nonprofit organization, the sales are in the regular course of business and are not exempt as casual  
26 sales.

27 (h) The use tax imposed under this section for the period commencing July 1, 1990, is at  
28 the rate of seven percent (7%). In recognition of the work being performed by the streamlined sales  
29 and use tax governing board, upon passage of any federal law that authorizes states to require  
30 remote sellers to collect and remit sales and use taxes, effective the first (1st) day of the first (1st)  
31 state fiscal quarter following the change, the rate imposed under § 44-18-18 shall be reduced from  
32 seven percent (7.0%) to six and one-half percent (6.5%). The six and one-half percent (6.5%) rate  
33 shall take effect on the date that the state requires remote sellers to collect and remit sales and use  
34 taxes.

1           **44-18-21. Liability for use tax.**

2           (a) Every person storing, using, or consuming in this state tangible personal property,  
3 including a motor vehicle, boat, airplane, or trailer, purchased from a retailer, and a motor vehicle,  
4 boat, airplane, or trailer, purchased from other than a licensed motor vehicle dealer or other than a  
5 retailer of boats, airplanes, or trailers respectively; or storing, using or consuming specified  
6 prewritten computer software delivered electronically or by load and leave, [or vendor-hosted](#)  
7 [prewritten computer software](#), or services as defined in § 44-18-7.3 is liable for the use tax. The  
8 person's liability is not extinguished until the tax has been paid to this state, except that a receipt  
9 from a retailer engaging in business in this state or from a retailer who is authorized by the tax  
10 administrator to collect the tax under rules and regulations that he or she may prescribe, given to  
11 the purchaser pursuant to the provisions of § 44-18-22, is sufficient to relieve the purchaser from  
12 further liability for the tax to which the receipt refers.

13           (b) Each person before obtaining an original or transferral registration for any article or  
14 commodity in this state, which article or commodity is required to be licensed or registered in the  
15 state, shall furnish satisfactory evidence to the tax administrator that any tax due under this chapter  
16 with reference to the article or commodity has been paid, and for the purpose of effecting  
17 compliance, the tax administrator, in addition to any other powers granted to him or her, may invoke  
18 the provisions of § 31-3-4 in the case of a motor vehicle. The tax administrator, when he or she  
19 deems it to be for the convenience of the general public, may authorize any agency of the state  
20 concerned with the licensing or registering of these articles or commodities to collect the use tax  
21 on any articles or commodities which the purchaser is required by this chapter to pay before  
22 receiving an original or transferral registration. The general assembly shall annually appropriate a  
23 sum that it deems necessary to carry out the purposes of this section. Notwithstanding the  
24 provisions of §§ 44-18-19, 44-18-22, and 44-18-24, the sales or use tax on any motor vehicle and/or  
25 recreational vehicle requiring registration by the administrator of the division of motor vehicles  
26 shall not be added by the retailer to the sale price or charge but shall be paid directly by the  
27 purchaser to the tax administrator, or his or her authorized deputy or agent as provided in this  
28 section.

29           (c) In cases involving total loss or destruction of a motor vehicle occurring within one  
30 hundred twenty (120) days from the date of purchase and upon which the purchaser has paid the  
31 use tax, the amount of the tax constitutes an overpayment. The amount of the overpayment may be  
32 credited against the amount of use tax on any subsequent vehicle which the owner acquires to  
33 replace the lost or destroyed vehicle or may be refunded, in whole or in part.

34           **44-18-22. Collection of use tax by retailer.**

1 Every retailer engaging in business in this state and making sales of tangible personal  
2 property or prewritten computer software delivered electronically or by load and leave, [or vendor-](#)  
3 [hosted prewritten computer software](#), or services as defined in § 44-18-7.3, for storage, use, or other  
4 consumption in this state, not exempted under this chapter shall, at the time of making the sales, or  
5 if the storage, use, or other consumption of the tangible personal property, prewritten computer  
6 software delivered electronically or by load and leave, [vendor-hosted prewritten computer](#)  
7 [software](#), or services as defined in § 44-18-7.3, is not then taxable under this chapter, at the time  
8 the storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give  
9 to the purchaser a receipt in the manner and form prescribed by the tax administrator.

10 **44-18-23. "Engaging in business" defined.**

11 As used in §§ 44-18-21 and 44-18-22 the term "engaging in business in this state" means  
12 the selling or delivering in this state, or any activity in this state related to the selling or delivering  
13 in this state of tangible personal property or prewritten computer software delivered electronically  
14 or by load and leave, [or vendor-hosted prewritten computer software](#), for storage, use, or other  
15 consumption in this state; or services as defined in § 44-18-7.3 in this state. This term includes, but  
16 is not limited to, the following acts or methods of transacting business:

17 (1) Maintaining, occupying, or using in this state permanently or temporarily, directly or  
18 indirectly or through a subsidiary, representative, or agent by whatever name called and whether or  
19 not qualified to do business in this state, any office, place of distribution, sales or sample room or  
20 place, warehouse or storage place, or other place of business;

21 (2) Having any subsidiary, representative, agent, salesperson, canvasser, or solicitor  
22 permanently or temporarily, and whether or not the subsidiary, representative, or agent is qualified  
23 to do business in this state, operate in this state for the purpose of selling, delivering, or the taking  
24 of orders for any tangible personal property, or prewritten computer software delivered  
25 electronically or by load and leave, [or vendor-hosted prewritten computer software](#), or services as  
26 defined in § 44-18-7.3;

27 (3) The regular or systematic solicitation of sales of tangible personal property, or  
28 prewritten computer software delivered electronically or by load and leave, [or vendor-hosted](#)  
29 [prewritten computer software](#), or services as defined in § 44-18-7.3, in this state by means of:

30 (i) Advertising in newspapers, magazines, and other periodicals published in this state, sold  
31 over the counter in this state or sold by subscription to residents of this state, billboards located in  
32 this state, airborne advertising messages produced or transported in the air space above this state,  
33 display cards and posters on common carriers or any other means of public conveyance  
34 incorporated or operating primarily in this state, brochures, catalogs, circulars, coupons, pamphlets,

1 samples, and similar advertising material mailed to, or distributed within this state to residents of  
2 this state;

3 (ii) Telephone;

4 (iii) Computer-assisted shopping networks; and

5 (iv) Television, radio or any other electronic media, which is intended to be broadcast to  
6 consumers located in this state.

7 **44-18-25. Presumption that sale is for storage, use, or consumption – Resale**  
8 **certificate.**

9 It is presumed that all gross receipts are subject to the sales tax, and that the use of all  
10 tangible personal property, or prewritten computer software delivered electronically or by load and  
11 leave, [or vendor-hosted prewritten computer software](#), or services as defined in § 44-18-7.3, are  
12 subject to the use tax, and that all tangible personal property, or prewritten computer software  
13 delivered electronically or by load and leave, [or vendor-hosted prewritten computer software](#), or  
14 services as defined in § 44-18-7.3, sold or in processing or intended for delivery or delivered in this  
15 state is sold or delivered for storage, use, or other consumption in this state, until the contrary is  
16 established to the satisfaction of the tax administrator. The burden of proving the contrary is upon  
17 the person who makes the sale and the purchaser, unless the person who makes the sale takes from  
18 the purchaser a certificate to the effect that the purchase was for resale. The certificate shall contain  
19 any information and be in the form that the tax administrator may require.

20 **44-18-30. Gross receipts exempt from sales and use taxes.**

21 There are exempted from the taxes imposed by this chapter the following gross receipts:

22 (1) Sales and uses beyond constitutional power of state. From the sale and from the storage,  
23 use, or other consumption in this state of tangible personal property the gross receipts from the sale  
24 of which, or the storage, use, or other consumption of which, this state is prohibited from taxing  
25 under the Constitution of the United States or under the constitution of this state.

26 (2) Newspapers.

27 (i) From the sale and from the storage, use, or other consumption in this state of any  
28 newspaper.

29 (ii) "Newspaper" means an unbound publication printed on newsprint that contains news,  
30 editorial comment, opinions, features, advertising matter, and other matters of public interest.

31 (iii) "Newspaper" does not include a magazine, handbill, circular, flyer, sales catalog, or  
32 similar item unless the item is printed for, and distributed as, a part of a newspaper.

33 (3) School meals. From the sale and from the storage, use, or other consumption in this  
34 state of meals served by public, private, or parochial schools, school districts, colleges, universities,

1 student organizations, and parent-teacher associations to the students or teachers of a school,  
2 college, or university whether the meals are served by the educational institutions or by a food  
3 service or management entity under contract to the educational institutions.

4 (4) Containers.

5 (i) From the sale and from the storage, use, or other consumption in this state of:

6 (A) Non-returnable containers, including boxes, paper bags, and wrapping materials that  
7 are biodegradable and all bags and wrapping materials utilized in the medical and healing arts,  
8 when sold without the contents to persons who place the contents in the container and sell the  
9 contents with the container.

10 (B) Containers when sold with the contents if the sale price of the contents is not required  
11 to be included in the measure of the taxes imposed by this chapter.

12 (C) Returnable containers when sold with the contents in connection with a retail sale of  
13 the contents or when resold for refilling.

14 [\(D\) Keg and barrel containers, whether returnable or not, when sold to alcoholic beverage](#)  
15 [producers who place the alcoholic beverages in the containers.](#)

16 (ii) As used in this subdivision, the term "returnable containers" means containers of a kind  
17 customarily returned by the buyer of the contents for reuse. All other containers are "non-returnable  
18 containers".

19 (5) (i) Charitable, educational, and religious organizations. From the sale to, as in defined  
20 in this section, and from the storage, use, and other consumption in this state, or any other state of  
21 the United States of America, of tangible personal property by hospitals not operated for a profit;  
22 "educational institutions" as defined in subdivision (18) not operated for a profit; churches,  
23 orphanages, and other institutions or organizations operated exclusively for religious or charitable  
24 purposes; interest-free loan associations not operated for profit; nonprofit, organized sporting  
25 leagues and associations and bands for boys and girls under the age of nineteen (19) years; the  
26 following vocational student organizations that are state chapters of national vocational students  
27 organizations: Distributive Education Clubs of America (DECA); Future Business Leaders of  
28 America, Phi Beta Lambda (FBLA/PBL); Future Farmers of America (FFA); Future Homemakers  
29 of America/Home Economics Related Occupations (FHA/HERD); Vocational Industrial Clubs of  
30 America (VICA); organized nonprofit golden age and senior citizens clubs for men and women;  
31 and parent-teacher associations; and from the sale, storage, use, and other consumption in this state,  
32 of and by the Industrial Foundation of Burrillville, a Rhode Island domestic nonprofit corporation.

33 (ii) In the case of contracts entered into with the federal government, its agencies, or  
34 instrumentalities, this state, or any other state of the United States of America, its agencies, any

1 city, town, district, or other political subdivision of the states; hospitals not operated for profit;  
2 educational institutions not operated for profit; churches, orphanages, and other institutions or  
3 organizations operated exclusively for religious or charitable purposes, the contractor may purchase  
4 such materials and supplies (materials and/or supplies are defined as those that are essential to the  
5 project) that are to be utilized in the construction of the projects being performed under the contracts  
6 without payment of the tax.

7 (iii) The contractor shall not charge any sales or use tax to any exempt agency, institution,  
8 or organization but shall in that instance provide his or her suppliers with certificates in the form  
9 as determined by the division of taxation showing the reason for exemption and the contractor's  
10 records must substantiate the claim for exemption by showing the disposition of all property so  
11 purchased. If any property is then used for a nonexempt purpose, the contractor must pay the tax  
12 on the property used.

13 (6) Gasoline. From the sale and from the storage, use, or other consumption in this state of:

14 (i) gasoline and other products taxed under chapter 36 of title 31 and (ii) fuels used for the  
15 propulsion of airplanes.

16 (7) Purchase for manufacturing purposes.

17 (i) From the sale and from the storage, use, or other consumption in this state of computer  
18 software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, and  
19 water, when the property or service is purchased for the purpose of being manufactured into a  
20 finished product for resale and becomes an ingredient, component, or integral part of the  
21 manufactured, compounded, processed, assembled, or prepared product, or if the property or  
22 service is consumed in the process of manufacturing for resale computer software, tangible personal  
23 property, electricity, natural gas, artificial gas, steam, refrigeration, or water.

24 (ii) "Consumed" means destroyed, used up, or worn out to the degree or extent that the  
25 property cannot be repaired, reconditioned, or rendered fit for further manufacturing use.

26 (iii) "Consumed" includes mere obsolescence.

27 (iv) "Manufacturing" means and includes: manufacturing, compounding, processing,  
28 assembling, preparing, or producing.

29 (v) "Process of manufacturing" means and includes all production operations performed in  
30 the producing or processing room, shop, or plant, insofar as the operations are a part of and  
31 connected with the manufacturing for resale of tangible personal property, electricity, natural gas,  
32 artificial gas, steam, refrigeration, or water and all production operations performed insofar as the  
33 operations are a part of and connected with the manufacturing for resale of computer software.

34 (vi) "Process of manufacturing" does not mean or include administration operations such

1 as general office operations, accounting, collection, or sales promotion, nor does it mean or include  
2 distribution operations that occur subsequent to production operations, such as handling, storing,  
3 selling, and transporting the manufactured products, even though the administration and  
4 distribution operations are performed by, or in connection with, a manufacturing business.

5 (8) State and political subdivisions. From the sale to, and from the storage, use, or other  
6 consumption by, this state, any city, town, district, or other political subdivision of this state. Every  
7 redevelopment agency created pursuant to chapter 31 of title 45 is deemed to be a subdivision of  
8 the municipality where it is located.

9 (9) Food and food ingredients. From the sale and storage, use, or other consumption in this  
10 state of food and food ingredients as defined in § 44-18-7.1(l).

11 For the purposes of this exemption "food and food ingredients" shall not include candy,  
12 soft drinks, dietary supplements, alcoholic beverages, tobacco, food sold through vending  
13 machines, or prepared food, as those terms are defined in § 44-18-7.1, unless the prepared food is:

14 (i) Sold by a seller whose primary NAICS classification is manufacturing in sector 311,  
15 except sub-sector 3118 (bakeries);

16 (ii) Sold in an unheated state by weight or volume as a single item;

17 (iii) Bakery items, including: bread, rolls, buns, biscuits, bagels, croissants, pastries,  
18 donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas; and

19 is not sold with utensils provided by the seller, including: plates, knives, forks, spoons,  
20 glasses, cups, napkins, or straws.

21 (10) Medicines, drugs, and durable medical equipment. From the sale and from the storage,  
22 use, or other consumption in this state, of:

23 (i) "Drugs" as defined in § 44-18-7.1(h)(i), sold on prescriptions, medical oxygen, and  
24 insulin whether or not sold on prescription. For purposes of this exemption drugs shall not include  
25 over-the-counter drugs and grooming and hygiene products as defined in § 44-18-7.1(h)(iii).

26 (ii) Durable medical equipment as defined in § 44-18-7.1(k) for home use only, including,  
27 but not limited to: syringe infusers, ambulatory drug delivery pumps, hospital beds, convalescent  
28 chairs, and chair lifts. Supplies used in connection with syringe infusers and ambulatory drug  
29 delivery pumps that are sold on prescription to individuals to be used by them to dispense or  
30 administer prescription drugs, and related ancillary dressings and supplies used to dispense or  
31 administer prescription drugs, shall also be exempt from tax.

32 (11) Prosthetic devices and mobility enhancing equipment. From the sale and from the  
33 storage, use, or other consumption in this state, of prosthetic devices as defined in § 44-18-7.1(t),  
34 sold on prescription, including, but not limited to: artificial limbs, dentures, spectacles, eyeglasses,

1 and artificial eyes; artificial hearing devices and hearing aids, whether or not sold on prescription;  
2 and mobility enhancing equipment as defined in § 44-18-7.1(p), including wheelchairs, crutches  
3 and canes.

4 (12) Coffins, caskets, and burial garments. From the sale and from the storage, use, or other  
5 consumption in this state of coffins or caskets, and shrouds or other burial garments that are  
6 ordinarily sold by a funeral director as part of the business of funeral directing.

7 (13) Motor vehicles sold to nonresidents.

8 (i) From the sale, subsequent to June 30, 1958, of a motor vehicle to a bona fide nonresident  
9 of this state who does not register the motor vehicle in this state, whether the sale or delivery of the  
10 motor vehicle is made in this state or at the place of residence of the nonresident. A motor vehicle  
11 sold to a bona fide nonresident whose state of residence does not allow a like exemption to its  
12 nonresidents is not exempt from the tax imposed under § 44-18-20. In that event, the bona fide  
13 nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that would be imposed  
14 in his or her state of residence not to exceed the rate that would have been imposed under § 44-18-  
15 20. Notwithstanding any other provisions of law, a licensed motor vehicle dealer shall add and  
16 collect the tax required under this subdivision and remit the tax to the tax administrator under the  
17 provisions of chapters 18 and 19 of this title. When a Rhode Island licensed, motor vehicle dealer  
18 is required to add and collect the sales and use tax on the sale of a motor vehicle to a bona fide  
19 nonresident as provided in this section, the dealer in computing the tax takes into consideration the  
20 law of the state of the nonresident as it relates to the trade-in of motor vehicles.

21 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may  
22 require any licensed motor vehicle dealer to keep records of sales to bona fide nonresidents as the  
23 tax administrator deems reasonably necessary to substantiate the exemption provided in this  
24 subdivision, including the affidavit of a licensed motor vehicle dealer that the purchaser of the  
25 motor vehicle was the holder of, and had in his or her possession a valid out-of-state motor vehicle  
26 registration or a valid out-of-state driver's license.

27 (iii) Any nonresident who registers a motor vehicle in this state within ninety (90) days of  
28 the date of its sale to him or her is deemed to have purchased the motor vehicle for use, storage, or  
29 other consumption in this state, and is subject to, and liable for, the use tax imposed under the  
30 provisions of § 44-18-20.

31 (14) Sales in public buildings by blind people. From the sale and from the storage, use, or  
32 other consumption in all public buildings in this state of all products or wares by any person  
33 licensed under § 40-9-11.1.

34 (15) Air and water pollution control facilities. From the sale, storage, use, or other

1 consumption in this state of tangible personal property or supplies acquired for incorporation into  
2 or used and consumed in the operation of a facility, the primary purpose of which is to aid in the  
3 control of the pollution or contamination of the waters or air of the state, as defined in chapter 12  
4 of title 46 and chapter 25 of title 23, respectively, and that has been certified as approved for that  
5 purpose by the director of environmental management. The director of environmental management  
6 may certify to a portion of the tangible personal property or supplies acquired for incorporation  
7 into those facilities or used and consumed in the operation of those facilities to the extent that that  
8 portion has as its primary purpose the control of the pollution or contamination of the waters or air  
9 of this state. As used in this subdivision, "facility" means any land, facility, device, building,  
10 machinery, or equipment.

11 (16) Camps. From the rental charged for living quarters, or sleeping, or housekeeping  
12 accommodations at camps or retreat houses operated by religious, charitable, educational, or other  
13 organizations and associations mentioned in subsection (5), or by privately owned and operated  
14 summer camps for children.

15 (17) Certain institutions. From the rental charged for living or sleeping quarters in an  
16 institution licensed by the state for the hospitalization, custodial, or nursing care of human beings.

17 (18) Educational institutions. From the rental charged by any educational institution for  
18 living quarters, or sleeping, or housekeeping accommodations or other rooms or accommodations  
19 to any student or teacher necessitated by attendance at an educational institution. "Educational  
20 institution" as used in this section means an institution of learning not operated for profit that is  
21 empowered to confer diplomas, educational, literary, or academic degrees; that has a regular  
22 faculty, curriculum, and organized body of pupils or students in attendance throughout the usual  
23 school year; that keeps and furnishes to students and others records required and accepted for  
24 entrance to schools of secondary, collegiate, or graduate rank; and no part of the net earnings of  
25 which inures to the benefit of any individual.

26 (19) Motor vehicle and adaptive equipment for persons with disabilities.

27 (i) From the sale of: (A) Special adaptations; (B) The component parts of the special  
28 adaptations; or (C) A specially adapted motor vehicle; provided that the owner furnishes to the tax  
29 administrator an affidavit of a licensed physician to the effect that the specially adapted motor  
30 vehicle is necessary to transport a family member with a disability or where the vehicle has been  
31 specially adapted to meet the specific needs of the person with a disability. This exemption applies  
32 to not more than one motor vehicle owned and registered for personal, noncommercial use.

33 (ii) For the purpose of this subsection the term "special adaptations" includes, but is not  
34 limited to: wheelchair lifts, wheelchair carriers, wheelchair ramps, wheelchair securements, hand

1 controls, steering devices, extensions, relocations, and crossovers of operator controls, power-  
2 assisted controls, raised tops or dropped floors, raised entry doors, or alternative signaling devices  
3 to auditory signals.

4 (iii) From the sale of: (a) Special adaptations, (b) The component parts of the special  
5 adaptations, for a "wheelchair accessible taxicab" as defined in § 39-14-1, and/or a "wheelchair  
6 accessible public motor vehicle" as defined in § 39-14.1-1.

7 (iv) For the purpose of this subdivision the exemption for a "specially adapted motor  
8 vehicle" means a use tax credit not to exceed the amount of use tax that would otherwise be due on  
9 the motor vehicle, exclusive of any adaptations. The use tax credit is equal to the cost of the special  
10 adaptations, including installation.

11 (20) Heating fuels. From the sale and from the storage, use, or other consumption in this  
12 state of every type of heating fuel.

13 (21) Electricity and gas. From the sale and from the storage, use, or other consumption in  
14 this state of electricity and gas.

15 (22) Manufacturing machinery and equipment.

16 (i) From the sale and from the storage, use, or other consumption in this state of tools, dies,  
17 molds, machinery, equipment (including replacement parts), and related items to the extent used in  
18 an industrial plant in connection with the actual manufacture, conversion, or processing of tangible  
19 personal property, or to the extent used in connection with the actual manufacture, conversion, or  
20 processing of computer software as that term is utilized in industry numbers 7371, 7372, and 7373  
21 in the standard industrial classification manual prepared by the Technical Committee on Industrial  
22 Classification, Office of Statistical Standards, Executive Office of the President, United States  
23 Bureau of the Budget, as revised from time to time, to be sold, or that machinery and equipment  
24 used in the furnishing of power to an industrial manufacturing plant. For the purposes of this  
25 subdivision, "industrial plant" means a factory at a fixed location primarily engaged in the  
26 manufacture, conversion, or processing of tangible personal property to be sold in the regular  
27 course of business;

28 (ii) Machinery and equipment and related items are not deemed to be used in connection  
29 with the actual manufacture, conversion, or processing of tangible personal property, or in  
30 connection with the actual manufacture, conversion, or processing of computer software as that  
31 term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification  
32 manual prepared by the Technical Committee on Industrial Classification, Office of Statistical  
33 Standards, Executive Office of the President, United States Bureau of the Budget, as revised from  
34 time to time, to be sold to the extent the property is used in administration or distribution operations;

1 (iii) Machinery and equipment and related items used in connection with the actual  
2 manufacture, conversion, or processing of any computer software or any tangible personal property  
3 that is not to be sold and that would be exempt under subdivision (7) or this subdivision if purchased  
4 from a vendor or machinery and equipment and related items used during any manufacturing,  
5 converting, or processing function is exempt under this subdivision even if that operation, function,  
6 or purpose is not an integral or essential part of a continuous production flow or manufacturing  
7 process;

8 (iv) Where a portion of a group of portable or mobile machinery is used in connection with  
9 the actual manufacture, conversion, or processing of computer software or tangible personal  
10 property to be sold, as previously defined, that portion, if otherwise qualifying, is exempt under  
11 this subdivision even though the machinery in that group is used interchangeably and not otherwise  
12 identifiable as to use.

13 (23) Trade-in value of motor vehicles. From the sale and from the storage, use, or other  
14 consumption in this state of so much of the purchase price paid for a new or used automobile as is  
15 allocated for a trade-in allowance on the automobile of the buyer given in trade to the seller, or of  
16 the proceeds applicable only to the automobile as are received from the manufacturer of  
17 automobiles for the repurchase of the automobile whether the repurchase was voluntary or not  
18 towards the purchase of a new or used automobile by the buyer. For the purpose of this subdivision,  
19 the word "automobile" means a private passenger automobile not used for hire and does not refer  
20 to any other type of motor vehicle.

21 (24) Precious metal bullion.

22 (i) From the sale and from the storage, use, or other consumption in this state of precious  
23 metal bullion, substantially equivalent to a transaction in securities or commodities.

24 (ii) For purposes of this subdivision, "precious metal bullion" means any elementary  
25 precious metal that has been put through a process of smelting or refining, including, but not limited  
26 to: gold, silver, platinum, rhodium, and chromium, and that is in a state or condition that its value  
27 depends upon its content and not upon its form.

28 (iii) The term does not include fabricated precious metal that has been processed or  
29 manufactured for some one or more specific and customary industrial, professional, or artistic uses.

30 (25) Commercial vessels. From sales made to a commercial ship, barge, or other vessel of  
31 fifty (50) tons burden or over, primarily engaged in interstate or foreign commerce, and from the  
32 repair, alteration, or conversion of the vessels, and from the sale of property purchased for the use  
33 of the vessels including provisions, supplies, and material for the maintenance and/or repair of the  
34 vessels.

1           (26) Commercial fishing vessels. From the sale and from the storage, use, or other  
2 consumption in this state of vessels and other watercraft that are in excess of five (5) net tons and  
3 that are used exclusively for "commercial fishing", as defined in this subdivision, and from the  
4 repair, alteration, or conversion of those vessels and other watercraft, and from the sale of property  
5 purchased for the use of those vessels and other watercraft including provisions, supplies, and  
6 material for the maintenance and/or repair of the vessels and other watercraft and the boats nets,  
7 cables, tackle, and other fishing equipment appurtenant to or used in connection with the  
8 commercial fishing of the vessels and other watercraft. "Commercial fishing" means taking or  
9 attempting to take any fish, shellfish, crustacea, or bait species with the intent of disposing of it for  
10 profit or by sale, barter, trade, or in commercial channels. The term does not include subsistence  
11 fishing, i.e., the taking for personal use and not for sale or barter; or sport fishing; but shall include  
12 vessels and other watercraft with a Rhode Island party and charter boat license issued by the  
13 department of environmental management pursuant to § 20-2-27.1 that meet the following criteria:  
14 (i) The operator must have a current U.S.C.G. license to carry passengers for hire; (ii) U.S.C.G.  
15 vessel documentation in the coast wide fishery trade; (iii) U.S.C.G. vessel documentation as to  
16 proof of Rhode Island home port status or a Rhode Island boat registration to prove Rhode Island  
17 home port status; and (iv) The vessel must be used as a commercial passenger carrying fishing  
18 vessel to carry passengers for fishing. The vessel must be able to demonstrate that at least fifty  
19 percent (50%) of its annual gross income derives from charters or provides documentation of a  
20 minimum of one hundred (100) charter trips annually; and (v) The vessel must have a valid Rhode  
21 Island party and charter boat license. The tax administrator shall implement the provisions of this  
22 subdivision by promulgating rules and regulations relating thereto.

23           (27) Clothing and footwear. From the sales of articles of clothing, including footwear,  
24 intended to be worn or carried on or about the human body for sales prior to October 1, 2012.  
25 Effective October 1, 2012, the exemption will apply to the sales of articles of clothing, including  
26 footwear, intended to be worn or carried on or about the human body up to two hundred and fifty  
27 dollars (\$250) of the sales price per item. For the purposes of this section, "clothing or footwear"  
28 does not include clothing accessories or equipment or special clothing or footwear primarily  
29 designed for athletic activity or protective use as these terms are defined in section 44-18-7.1(f). In  
30 recognition of the work being performed by the streamlined sales and use tax governing board,  
31 upon passage of any federal law that authorizes states to require remote sellers to collect and remit  
32 sales and use taxes, this unlimited exemption will apply as it did prior to October 1, 2012. The  
33 unlimited exemption on sales of clothing and footwear shall take effect on the date that the state  
34 requires remote sellers to collect and remit sales and use taxes.

1 (28) Water for residential use. From the sale and from the storage, use, or other  
2 consumption in this state of water furnished for domestic use by occupants of residential premises.

3 (29) Bibles. [Unconstitutional; see Ahlburn v. Clark, 728 A.2d 449 (R.I. 1999); see Notes  
4 to Decisions.] From the sale and from the storage, use, or other consumption in the state of any  
5 canonized scriptures of any tax-exempt nonprofit religious organization including, but not limited  
6 to, the Old Testament and the New Testament versions.

7 (30) Boats.

8 (i) From the sale of a boat or vessel to a bona fide nonresident of this state who does not  
9 register the boat or vessel in this state or document the boat or vessel with the United States  
10 government at a home port within the state, whether the sale or delivery of the boat or vessel is  
11 made in this state or elsewhere; provided, that the nonresident transports the boat within thirty (30)  
12 days after delivery by the seller outside the state for use thereafter solely outside the state.

13 (ii) The tax administrator, in addition to the provisions of §§ 44-19-17 and 44-19-28, may  
14 require the seller of the boat or vessel to keep records of the sales to bona fide nonresidents as the  
15 tax administrator deems reasonably necessary to substantiate the exemption provided in this  
16 subdivision, including the affidavit of the seller that the buyer represented himself or herself to be  
17 a bona fide nonresident of this state and of the buyer that he or she is a nonresident of this state.

18 (31) Youth activities equipment. From the sale, storage, use, or other consumption in this  
19 state of items for not more than twenty dollars (\$20.00) each by nonprofit Rhode Island  
20 eleemosynary organizations, for the purposes of youth activities that the organization is formed to  
21 sponsor and support; and by accredited elementary and secondary schools for the purposes of the  
22 schools or of organized activities of the enrolled students.

23 (32) Farm equipment. From the sale and from the storage or use of machinery and  
24 equipment used directly for commercial farming and agricultural production; including, but not  
25 limited to: tractors, ploughs, harrows, spreaders, seeders, milking machines, silage conveyors,  
26 balers, bulk milk storage tanks, trucks with farm plates, mowers, combines, irrigation equipment,  
27 greenhouses and greenhouse coverings, graders and packaging machines, tools and supplies and  
28 other farming equipment, including replacement parts appurtenant to or used in connection with  
29 commercial farming and tools and supplies used in the repair and maintenance of farming  
30 equipment. "Commercial farming" means the keeping or boarding of five (5) or more horses or the  
31 production within this state of agricultural products, including, but not limited to, field or orchard  
32 crops, livestock, dairy, and poultry, or their products, where the keeping, boarding, or production  
33 provides at least two thousand five hundred dollars (\$2,500) in annual gross sales to the operator,  
34 whether an individual, a group, a partnership, or a corporation for exemptions issued prior to July

1 1, 2002. For exemptions issued or renewed after July 1, 2002, there shall be two (2) levels. Level I  
2 shall be based on proof of annual, gross sales from commercial farming of at least twenty-five  
3 hundred dollars (\$2,500) and shall be valid for purchases subject to the exemption provided in this  
4 subdivision except for motor vehicles with an excise tax value of five thousand dollars (\$5,000) or  
5 greater. Level II shall be based on proof of annual gross sales from commercial farming of at least  
6 ten thousand dollars (\$10,000) or greater and shall be valid for purchases subject to the exemption  
7 provided in this subdivision including motor vehicles with an excise tax value of five thousand  
8 dollars (\$5,000) or greater. For the initial issuance of the exemptions, proof of the requisite amount  
9 of annual gross sales from commercial farming shall be required for the prior year; for any renewal  
10 of an exemption granted in accordance with this subdivision at either level I or level II, proof of  
11 gross annual sales from commercial farming at the requisite amount shall be required for each of  
12 the prior two (2) years. Certificates of exemption issued or renewed after July 1, 2002, shall clearly  
13 indicate the level of the exemption and be valid for four (4) years after the date of issue. This  
14 exemption applies even if the same equipment is used for ancillary uses, or is temporarily used for  
15 a non-farming or a non-agricultural purpose, but shall not apply to motor vehicles acquired after  
16 July 1, 2002, unless the vehicle is a farm vehicle as defined pursuant to § 31-1-8 and is eligible for  
17 registration displaying farm plates as provided for in § 31-3-31.

18 (33) Compressed air. From the sale and from the storage, use, or other consumption in the  
19 state of compressed air.

20 (34) Flags. From the sale and from the storage, consumption, or other use in this state of  
21 United States, Rhode Island or POW-MIA flags.

22 (35) Motor vehicle and adaptive equipment to certain veterans. From the sale of a motor  
23 vehicle and adaptive equipment to and for the use of a veteran with a service-connected loss of or  
24 the loss of use of a leg, foot, hand, or arm, or any veteran who is a double amputee, whether service  
25 connected or not. The motor vehicle must be purchased by and especially equipped for use by the  
26 qualifying veteran. Certificate of exemption or refunds of taxes paid is granted under rules or  
27 regulations that the tax administrator may prescribe.

28 (36) Textbooks. From the sale and from the storage, use, or other consumption in this state  
29 of textbooks by an "educational institution", as defined in subsection (18) of this section, and any  
30 educational institution within the purview of § 16-63-9(4), and used textbooks by any purveyor.

31 (37) Tangible personal property and supplies used in on-site hazardous waste recycling,  
32 reuse, or treatment. From the sale, storage, use, or other consumption in this state of tangible  
33 personal property or supplies used or consumed in the operation of equipment, the exclusive  
34 function of which is the recycling, reuse, or recovery of materials (other than precious metals, as

1 defined in subdivision (24)(ii) of this section) from the treatment of "hazardous wastes", as defined  
2 in § 23-19.1-4, where the "hazardous wastes" are generated in Rhode Island solely by the same  
3 taxpayer and where the personal property is located at, in, or adjacent to a generating facility of the  
4 taxpayer in Rhode Island. The taxpayer shall procure an order from the director of the department  
5 of environmental management certifying that the equipment and/or supplies as used or consumed,  
6 qualify for the exemption under this subdivision. If any information relating to secret processes or  
7 methods of manufacture, production, or treatment is disclosed to the department of environmental  
8 management only to procure an order, and is a "trade secret" as defined in § 28-21-10(b), it is not  
9 open to public inspection or publicly disclosed unless disclosure is required under chapter 21 of  
10 title 28 or chapter 24.4 of title 23.

11 (38) Promotional and product literature of boat manufacturers. From the sale and from the  
12 storage, use, or other consumption of promotional and product literature of boat manufacturers  
13 shipped to points outside of Rhode Island that either: (i) Accompany the product that is sold; (ii)  
14 Are shipped in bulk to out-of-state dealers for use in the sale of the product; or (iii) Are mailed to  
15 customers at no charge.

16 (39) Food items paid for by food stamps. From the sale and from the storage, use, or other  
17 consumption in this state of eligible food items payment for which is properly made to the retailer  
18 in the form of U.S. government food stamps issued in accordance with the Food Stamp Act of 1977,  
19 7 U.S.C. § 2011 et seq.

20 (40) Transportation charges. From the sale or hiring of motor carriers as defined in § 39-  
21 12-2(1) to haul goods, when the contract or hiring cost is charged by a motor freight tariff filed with  
22 the Rhode Island public utilities commission on the number of miles driven or by the number of  
23 hours spent on the job.

24 (41) Trade-in value of boats. From the sale and from the storage, use, or other consumption  
25 in this state of so much of the purchase price paid for a new or used boat as is allocated for a trade-  
26 in allowance on the boat of the buyer given in trade to the seller or of the proceeds applicable only  
27 to the boat as are received from an insurance claim as a result of a stolen or damaged boat, towards  
28 the purchase of a new or used boat by the buyer.

29 (42) Equipment used for research and development. From the sale and from the storage,  
30 use, or other consumption of equipment to the extent used for research and development purposes  
31 by a qualifying firm. For the purposes of this subsection, "qualifying firm" means a business for  
32 which the use of research and development equipment is an integral part of its operation and  
33 "equipment" means scientific equipment, computers, software, and related items.

34 (43) Coins. From the sale and from the other consumption in this state of coins having

1 numismatic or investment value.

2 (44) Farm structure construction materials. Lumber, hardware, and other materials used in  
3 the new construction of farm structures, including production facilities such as, but not limited to:  
4 farrowing sheds, free stall and stanchion barns, milking parlors, silos, poultry barns, laying houses,  
5 fruit and vegetable storages, rooting cellars, propagation rooms, greenhouses, packing rooms,  
6 machinery storage, seasonal farm worker housing, certified farm markets, bunker and trench silos,  
7 feed storage sheds, and any other structures used in connection with commercial farming.

8 (45) Telecommunications carrier access service. Carrier access service or  
9 telecommunications service when purchased by a telecommunications company from another  
10 telecommunications company to facilitate the provision of telecommunications service.

11 (46) Boats or vessels brought into the state exclusively for winter storage, maintenance,  
12 repair, or sale. Notwithstanding the provisions of §§ 44-18-10, 44-18-11 and 44-18-20, the tax  
13 imposed by § 44-18-20 is not applicable for the period commencing on the first day of October in  
14 any year up to and including the 30th day of April next succeeding with respect to the use of any  
15 boat or vessel within this state exclusively for purposes of: (i) Delivery of the vessel to a facility in  
16 this state for storage, including dry storage and storage in water by means of apparatus preventing  
17 ice damage to the hull, maintenance, or repair; (ii) The actual process of storage, maintenance, or  
18 repair of the boat or vessel; or (iii) Storage for the purpose of selling the boat or vessel.

19 (47) Jewelry display product. From the sale and from the storage, use, or other consumption  
20 in this state of tangible personal property used to display any jewelry product; provided that title to  
21 the jewelry display product is transferred by the jewelry manufacturer or seller and that the jewelry  
22 display product is shipped out of state for use solely outside the state and is not returned to the  
23 jewelry manufacturer or seller.

24 (48) Boats or vessels generally. Notwithstanding the provisions of this chapter, the tax  
25 imposed by §§ 44-18-20 and 44-18-18 shall not apply with respect to the sale and to the storage,  
26 use, or other consumption in this state of any new or used boat. The exemption provided for in this  
27 subdivision does not apply after October 1, 1993, unless prior to October 1, 1993, the federal ten  
28 percent (10%) surcharge on luxury boats is repealed.

29 (49) Banks and regulated investment companies interstate toll-free calls. Notwithstanding  
30 the provisions of this chapter, the tax imposed by this chapter does not apply to the furnishing of  
31 interstate and international, toll-free terminating telecommunication service that is used directly  
32 and exclusively by or for the benefit of an eligible company as defined in this subdivision; provided  
33 that an eligible company employs on average during the calendar year no less than five hundred  
34 (500) "full-time equivalent employees" as that term is defined in § 42-64.5-2. For purposes of this

1 section, an "eligible company" means a "regulated investment company" as that term is defined in  
2 the Internal Revenue Code of 1986, 26 U.S.C. § ~~1-et-seq.~~ [851](#), or a corporation to the extent the  
3 service is provided, directly or indirectly, to or on behalf of a regulated investment company, an  
4 employee benefit plan, a retirement plan or a pension plan, or a state-chartered bank.

5 (50) Mobile and manufactured homes generally. From the sale and from the storage, use,  
6 or other consumption in this state of mobile and/or manufactured homes as defined and subject to  
7 taxation pursuant to the provisions of chapter 44 of title 31.

8 (51) Manufacturing business reconstruction materials.

9 (i) From the sale and from the storage, use, or other consumption in this state of lumber,  
10 hardware, and other building materials used in the reconstruction of a manufacturing business  
11 facility that suffers a disaster, as defined in this subdivision, in this state. "Disaster" means any  
12 occurrence, natural or otherwise, that results in the destruction of sixty percent (60%) or more of  
13 an operating manufacturing business facility within this state. "Disaster" does not include any  
14 damage resulting from the willful act of the owner of the manufacturing business facility.

15 (ii) Manufacturing business facility includes, but is not limited to, the structures housing  
16 the production and administrative facilities.

17 (iii) In the event a manufacturer has more than one manufacturing site in this state, the sixty  
18 percent (60%) provision applies to the damages suffered at that one site.

19 (iv) To the extent that the costs of the reconstruction materials are reimbursed by insurance,  
20 this exemption does not apply.

21 (52) Tangible personal property and supplies used in the processing or preparation of floral  
22 products and floral arrangements. From the sale, storage, use, or other consumption in this state of  
23 tangible personal property or supplies purchased by florists, garden centers, or other like producers  
24 or vendors of flowers, plants, floral products, and natural and artificial floral arrangements that are  
25 ultimately sold with flowers, plants, floral products, and natural and artificial floral arrangements  
26 or are otherwise used in the decoration, fabrication, creation, processing, or preparation of flowers,  
27 plants, floral products, or natural and artificial floral arrangements, including descriptive labels,  
28 stickers, and cards affixed to the flower, plant, floral product, or arrangement, artificial flowers,  
29 spray materials, floral paint and tint, plant shine, flower food, insecticide and fertilizers.

30 (53) Horse food products. From the sale and from the storage, use, or other consumption  
31 in this state of horse food products purchased by a person engaged in the business of the boarding  
32 of horses.

33 (54) Non-motorized recreational vehicles sold to nonresidents.

34 (i) From the sale, subsequent to June 30, 2003, of a non-motorized recreational vehicle to

1 a bona fide nonresident of this state who does not register the non-motorized recreational vehicle  
2 in this state, whether the sale or delivery of the non-motorized recreational vehicle is made in this  
3 state or at the place of residence of the nonresident; provided that a non-motorized recreational  
4 vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption to  
5 its nonresidents is not exempt from the tax imposed under § 44-18-20; provided, further, that in  
6 that event the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate  
7 that would be imposed in his or her state of residence not to exceed the rate that would have been  
8 imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed, non-motorized  
9 recreational vehicle dealer shall add and collect the tax required under this subdivision and remit  
10 the tax to the tax administrator under the provisions of chapters 18 and 19 of this title. Provided,  
11 that when a Rhode Island licensed, non-motorized recreational vehicle dealer is required to add and  
12 collect the sales and use tax on the sale of a non-motorized recreational vehicle to a bona fide  
13 nonresident as provided in this section, the dealer in computing the tax takes into consideration the  
14 law of the state of the nonresident as it relates to the trade-in of motor vehicles.

15 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may  
16 require any licensed, non-motorized recreational vehicle dealer to keep records of sales to bona fide  
17 nonresidents as the tax administrator deems reasonably necessary to substantiate the exemption  
18 provided in this subdivision, including the affidavit of a licensed, non-motorized recreational  
19 vehicle dealer that the purchaser of the non-motorized recreational vehicle was the holder of, and  
20 had in his or her possession a valid out-of-state non-motorized recreational vehicle registration or  
21 a valid out-of-state driver's license.

22 (iii) Any nonresident who registers a non-motorized recreational vehicle in this state within  
23 ninety (90) days of the date of its sale to him or her is deemed to have purchased the non-motorized  
24 recreational vehicle for use, storage, or other consumption in this state, and is subject to, and liable  
25 for, the use tax imposed under the provisions of § 44-18-20.

26 (iv) "Non-motorized recreational vehicle" means any portable dwelling designed and  
27 constructed to be used as a temporary dwelling for travel, camping, recreational, and vacation use  
28 that is eligible to be registered for highway use, including, but not limited to, "pick-up coaches" or  
29 "pick-up campers," "travel trailers," and "tent trailers" as those terms are defined in chapter 1 of  
30 title 31.

31 (55) Sprinkler and fire alarm systems in existing buildings. From the sale in this state of  
32 sprinkler and fire alarm systems; emergency lighting and alarm systems; and the materials  
33 necessary and attendant to the installation of those systems that are required in buildings and  
34 occupancies existing therein in July 2003 in order to comply with any additional requirements for

1 such buildings arising directly from the enactment of the Comprehensive Fire Safety Act of 2003  
2 and that are not required by any other provision of law or ordinance or regulation adopted pursuant  
3 to that act. The exemption provided in this subdivision shall expire on December 31, 2008.

4 (56) Aircraft. Notwithstanding the provisions of this chapter, the tax imposed by §§ 44-18-  
5 18 and 44-18-20 shall not apply with respect to the sale and to the storage, use, or other consumption  
6 in this state of any new or used aircraft or aircraft parts.

7 (57) Renewable energy products. Notwithstanding any other provisions of Rhode Island  
8 general laws, the following products shall also be exempt from sales tax: solar photovoltaic  
9 modules or panels, or any module or panel that generates electricity from light; solar thermal  
10 collectors, including, but not limited to, those manufactured with flat glass plates, extruded plastic,  
11 sheet metal, and/or evacuated tubes; geothermal heat pumps, including both water-to-water and  
12 water-to-air type pumps; wind turbines; towers used to mount wind turbines if specified by or sold  
13 by a wind turbine manufacturer; DC to AC inverters that interconnect with utility power lines; and  
14 manufactured mounting racks and ballast pans for solar collector, module, or panel installation. Not  
15 to include materials that could be fabricated into such racks; monitoring and control equipment, if  
16 specified or supplied by a manufacturer of solar thermal, solar photovoltaic, geothermal, or wind  
17 energy systems or if required by law or regulation for such systems but not to include pumps, fans  
18 or plumbing or electrical fixtures unless shipped from the manufacturer affixed to, or an integral  
19 part of, another item specified on this list; and solar storage tanks that are part of a solar domestic  
20 hot water system or a solar space heating system. If the tank comes with an external heat exchanger  
21 it shall also be tax exempt, but a standard hot water tank is not exempt from state sales tax.

22 (58) Returned property. The amount charged for property returned by customers upon  
23 rescission of the contract of sale when the entire amount exclusive of handling charges paid for the  
24 property is refunded in either cash or credit, and where the property is returned within one hundred  
25 twenty (120) days from the date of delivery.

26 (59) Dietary supplements. From the sale and from the storage, use, or other consumption  
27 of dietary supplements as defined in § 44-18-7.1(l)(v), sold on prescriptions.

28 (60) Blood. From the sale and from the storage, use, or other consumption of human blood.

29 (61) Agricultural products for human consumption. From the sale and from the storage,  
30 use, or other consumption of livestock and poultry of the kinds of products that ordinarily constitute  
31 food for human consumption and of livestock of the kind the products of which ordinarily  
32 constitutes fibers for human use.

33 (62) Diesel emission control technology. From the sale and use of diesel retrofit technology  
34 that is required by § 31-47.3-4.

1 (63) Feed for certain animals used in commercial farming. From the sale of feed for animals  
2 as described in subsection (61) of this section.

3 (64) Alcoholic beverages. From the sale and storage, use, or other consumption in this state  
4 by a Class A licensee of alcoholic beverages, as defined in § 44-18-7.1, excluding beer and malt  
5 beverages; provided, further, notwithstanding § 6-13-1 or any other general or public law to the  
6 contrary, alcoholic beverages, as defined in § 44-18-7.1, shall not be subject to minimum markup.

7 (65) Seeds and plants used to grow food and food ingredients. From the sale, storage, use,  
8 or other consumption in this state of seeds and plants used to grow food and food ingredients as  
9 defined in § 44-18-7.1(1)(i). "Seeds and plants used to grow food and food ingredients" shall not  
10 include marijuana seeds or plants.

11 SECTION 11. Section 44-19-7 of the General Laws in Chapter 44-19 entitled "Sales and  
12 Use Taxes - Enforcement and Collection" is hereby amended to read as follows:

13 **44-19-7. Registration of retailers.**

14 Every retailer selling tangible personal property or prewritten computer software delivered  
15 electronically or by load and leave [or vendor-hosted prewritten computer software](#) for storage, use,  
16 or other consumption in this state, as well as services as defined in § 44-18-7.3, in this state, or  
17 renting living quarters in any hotel as defined in § 42-63.1-2, rooming house, or tourist camp in  
18 this state must register with the tax administrator and give the name and address of all agents  
19 operating in this state, the location of all distribution or sales houses or offices, or of any hotel as  
20 defined in § 42-63.1-2, rooming house, or tourist camp or other places of business in this state, and  
21 other information that the tax administrator may require.

22 SECTION 12. Section 44-20-13.2 of the General Laws in Chapter 44-20 entitled "Cigarette  
23 and Other Tobacco Products Tax" is hereby amended to read as follows:

24 **44-20-13.2. Tax imposed on other tobacco products, smokeless tobacco, cigars, and**  
25 **pipe tobacco products.**

26 (a) A tax is imposed on all other tobacco products, smokeless tobacco, cigars, and pipe  
27 tobacco products sold, or held for sale in the state by any person, the payment of the tax to be  
28 accomplished according to a mechanism established by the administrator, division of taxation,  
29 department of revenue. The tax imposed by this section shall be as follows:

30 (1) At the rate of eighty percent (80%) of the wholesale cost of other tobacco products,  
31 cigars, pipe tobacco products, and smokeless tobacco other than snuff.

32 (2) Notwithstanding the eighty percent (80%) rate in subsection (a) above, in the case of  
33 cigars, the tax shall not exceed fifty cents (\$.50) for each cigar.

34 (3) At the rate of one dollar (\$1.00) per ounce of snuff, and a proportionate tax at the like

1 rate on all fractional parts of an ounce thereof. Such tax shall be computed based on the net weight  
2 as listed by the manufacturer; provided, however, that any product listed by the manufacturer as  
3 having a net weight of less than 1.2 ounces shall be taxed as if the product has a net weight of 1.2  
4 ounces.

5 (b) Any dealer having in his or her possession any other tobacco products with respect to  
6 the storage or use of which a tax is imposed by this section shall, within five (5) days after coming  
7 into possession of the other tobacco products in this state, file a return with the tax administrator in  
8 a form prescribed by the tax administrator. The return shall be accompanied by a payment of the  
9 amount of the tax shown on the form to be due. Records required under this section shall be  
10 preserved on the premises described in the relevant license in such a manner as to ensure  
11 permanency and accessibility for inspection at reasonable hours by authorized personnel of the  
12 administrator.

13 (c) The proceeds collected are paid into the general fund.

14 SECTION 13. Section 44-30-2.6 of the General Laws in Chapter 44-30 entitled "Personal  
15 Income Tax" is hereby amended to read as follows:

16 **44-30-2.6. Rhode Island taxable income -- Rate of tax.**

17 (a) "Rhode Island taxable income" means federal taxable income as determined under the  
18 Internal Revenue Code, 26 U.S.C. § 1 et seq., not including the increase in the basic, standard-  
19 deduction amount for married couples filing joint returns as provided in the Jobs and Growth Tax  
20 Relief Reconciliation Act of 2003 and the Economic Growth and Tax Relief Reconciliation Act of  
21 2001 (EGTRRA), and as modified by the modifications in § 44-30-12.

22 (b) Notwithstanding the provisions of §§ 44-30-1 and 44-30-2, for tax years beginning on  
23 or after January 1, 2001, a Rhode Island personal income tax is imposed upon the Rhode Island  
24 taxable income of residents and nonresidents, including estates and trusts, at the rate of twenty-five  
25 and one-half percent (25.5%) for tax year 2001, and twenty-five percent (25%) for tax year 2002  
26 and thereafter of the federal income tax rates, including capital gains rates and any other special  
27 rates for other types of income, except as provided in § 44-30-2.7, which were in effect immediately  
28 prior to enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA);  
29 provided, rate schedules shall be adjusted for inflation by the tax administrator beginning in taxable  
30 year 2002 and thereafter in the manner prescribed for adjustment by the commissioner of Internal  
31 Revenue in 26 U.S.C. § 1(f). However, for tax years beginning on or after January 1, 2006, a  
32 taxpayer may elect to use the alternative flat tax rate provided in § 44-30-2.10 to calculate his or  
33 her personal income tax liability.

34 (c) For tax years beginning on or after January 1, 2001, if a taxpayer has an alternative

1 minimum tax for federal tax purposes, the taxpayer shall determine if he or she has a Rhode Island  
 2 alternative minimum tax. The Rhode Island alternative minimum tax shall be computed by  
 3 multiplying the federal tentative minimum tax without allowing for the increased exemptions under  
 4 the Jobs and Growth Tax Relief Reconciliation Act of 2003 (as redetermined on federal form 6251  
 5 Alternative Minimum Tax-Individuals) by twenty-five and one-half percent (25.5%) for tax year  
 6 2001, and twenty-five percent (25%) for tax year 2002 and thereafter, and comparing the product  
 7 to the Rhode Island tax as computed otherwise under this section. The excess shall be the taxpayer's  
 8 Rhode Island alternative minimum tax.

9 (1) For tax years beginning on or after January 1, 2005, and thereafter, the exemption  
 10 amount for alternative minimum tax, for Rhode Island purposes, shall be adjusted for inflation by  
 11 the tax administrator in the manner prescribed for adjustment by the commissioner of Internal  
 12 Revenue in 26 U.S.C. § 1(f).

13 (2) For the period January 1, 2007, through December 31, 2007, and thereafter, Rhode  
 14 Island taxable income shall be determined by deducting from federal adjusted gross income as  
 15 defined in 26 U.S.C. § 62 as modified by the modifications in § 44-30-12 the Rhode Island  
 16 itemized-deduction amount and the Rhode Island exemption amount as determined in this section.

17 (A) Tax imposed.

18 (1) There is hereby imposed on the taxable income of married individuals filing joint  
 19 returns and surviving spouses a tax determined in accordance with the following table:

| 20 If taxable income is:                 | The tax is:   |
|--|---|
| 21 Not over \$53,150                     | 3.75% of taxable income                             |
| 22 Over \$53,150 but not over \$128,500  | \$1,993.13 plus 7.00% of the excess over \$53,150   |
| 23 Over \$128,500 but not over \$195,850 | \$7,267.63 plus 7.75% of the excess over \$128,500  |
| 24 Over \$195,850 but not over \$349,700 | \$12,487.25 plus 9.00% of the excess over \$195,850 |
| 25 Over \$349,700                        | \$26,333.75 plus 9.90% of the excess over \$349,700 |

26 (2) There is hereby imposed on the taxable income of every head of household a tax  
 27 determined in accordance with the following table:

| 28 If taxable income is:                 | The tax is:   |
|--|---|
| 29 Not over \$42,650                     | 3.75% of taxable income                             |
| 30 Over \$42,650 but not over \$110,100  | \$1,599.38 plus 7.00% of the excess over \$42,650   |
| 31 Over \$110,100 but not over \$178,350 | \$6,320.88 plus 7.75% of the excess over \$110,100  |
| 32 Over \$178,350 but not over \$349,700 | \$11,610.25 plus 9.00% of the excess over \$178,350 |
| 33 Over \$349,700                        | \$27,031.75 plus 9.90% of the excess over \$349,700 |

34 (3) There is hereby imposed on the taxable income of unmarried individuals (other than

1 surviving spouses and heads of households) a tax determined in accordance with the following  
2 table:

| 3 If taxable income is:                 | The tax is:   |
|---|---|
| 4 Not over \$31,850                     | 3.75% of taxable income                             |
| 5 Over \$31,850 but not over \$77,100   | \$1,194.38 plus 7.00% of the excess over \$31,850   |
| 6 Over \$77,100 but not over \$160,850  | \$4,361.88 plus 7.75% of the excess over \$77,100   |
| 7 Over \$160,850 but not over \$349,700 | \$10,852.50 plus 9.00% of the excess over \$160,850 |
| 8 Over \$349,700                        | \$27,849.00 plus 9.90% of the excess over \$349,700 |

9 (4) There is hereby imposed on the taxable income of married individuals filing separate  
10 returns and bankruptcy estates a tax determined in accordance with the following table:

| 11 If taxable income is:                | The tax is:   |
|---|---|
| 12 Not over \$26,575                    | 3.75% of taxable income                             |
| 13 Over \$26,575 but not over \$64,250  | \$996.56 plus 7.00% of the excess over \$26,575     |
| 14 Over \$64,250 but not over \$97,925  | \$3,633.81 plus 7.75% of the excess over \$64,250   |
| 15 Over \$97,925 but not over \$174,850 | \$6,243.63 plus 9.00% of the excess over \$97,925   |
| 16 Over \$174,850                       | \$13,166.88 plus 9.90% of the excess over \$174,850 |

17 (5) There is hereby imposed a taxable income of an estate or trust a tax determined in  
18 accordance with the following table:

| 19 If taxable income is:              | The tax is:                                     |
|---------------------------------------|---|
| 20 Not over \$2,150                   | 3.75% of taxable income                         |
| 21 Over \$2,150 but not over \$5,000  | \$80.63 plus 7.00% of the excess over \$2,150   |
| 22 Over \$5,000 but not over \$7,650  | \$280.13 plus 7.75% of the excess over \$5,000  |
| 23 Over \$7,650 but not over \$10,450 | \$485.50 plus 9.00% of the excess over \$7,650  |
| 24 Over \$10,450                      | \$737.50 plus 9.90% of the excess over \$10,450 |

25 (6) Adjustments for inflation.

26 The dollars amount contained in paragraph (A) shall be increased by an amount equal to:

27 (a) Such dollar amount contained in paragraph (A) in the year 1993, multiplied by;

28 (b) The cost-of-living adjustment determined under section (J) with a base year of 1993;

29 (c) The cost-of-living adjustment referred to in subparagraphs (a) and (b) used in making  
30 adjustments to the nine percent (9%) and nine and nine tenths percent (9.9%) dollar amounts shall  
31 be determined under section (J) by substituting "1994" for "1993."

32 (B) Maximum capital gains rates.

33 (1) In general.

34 If a taxpayer has a net capital gain for tax years ending prior to January 1, 2010, the tax

1 imposed by this section for such taxable year shall not exceed the sum of:

2 (a) 2.5 % of the net capital gain as reported for federal income tax purposes under section  
3 26 U.S.C. 1(h)(1)(a) and 26 U.S.C. 1(h)(1)(b).

4 (b) 5% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.  
5 1(h)(1)(c).

6 (c) 6.25% of the net capital gain as reported for federal income tax purposes under 26  
7 U.S.C. 1(h)(1)(d).

8 (d) 7% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.  
9 1(h)(1)(e).

10 (2) For tax years beginning on or after January 1, 2010, the tax imposed on net capital gain  
11 shall be determined under subdivision 44-30-2.6(c)(2)(A).

12 (C) Itemized deductions.

13 (1) In general.

14 For the purposes of section (2), "itemized deductions" means the amount of federal  
15 itemized deductions as modified by the modifications in § 44-30-12.

16 (2) Individuals who do not itemize their deductions.

17 In the case of an individual who does not elect to itemize his deductions for the taxable  
18 year, they may elect to take a standard deduction.

19 (3) Basic standard deduction.

20 The Rhode Island standard deduction shall be allowed in accordance with the following  
21 table:

| 22 Filing status                                  | Amount  |
|---|---------|
| 23 Single   | \$5,350 |
| 24 Married filing jointly or qualifying widow(er) | \$8,900 |
| 25 Married filing separately                      | \$4,450 |
| 26 Head of Household                              | \$7,850 |

27 (4) Additional standard deduction for the aged and blind.

28 An additional standard deduction shall be allowed for individuals age sixty-five (65) or  
29 older or blind in the amount of \$1,300 for individuals who are not married and \$1,050 for  
30 individuals who are married.

31 (5) Limitation on basic standard deduction in the case of certain dependents.

32 In the case of an individual to whom a deduction under section (E) is allowable to another  
33 taxpayer, the basic standard deduction applicable to such individual shall not exceed the greater of:

34 (a) \$850;

1 (b) The sum of \$300 and such individual's earned income;

2 (6) Certain individuals not eligible for standard deduction.

3 In the case of:

4 (a) A married individual filing a separate return where either spouse itemizes deductions;

5 (b) Nonresident alien individual;

6 (c) An estate or trust;

7 The standard deduction shall be zero.

8 (7) Adjustments for inflation.

9 Each dollar amount contained in paragraphs (3), (4) and (5) shall be increased by an amount  
10 equal to:

11 (a) Such dollar amount contained in paragraphs (3), (4) and (5) in the year 1988, multiplied  
12 by

13 (b) The cost-of-living adjustment determined under section (J) with a base year of 1988.

14 (D) Overall limitation on itemized deductions.

15 (1) General rule.

16 In the case of an individual whose adjusted gross income as modified by § 44-30-12  
17 exceeds the applicable amount, the amount of the itemized deductions otherwise allowable for the  
18 taxable year shall be reduced by the lesser of:

19 (a) Three percent (3%) of the excess of adjusted gross income as modified by § 44-30-12  
20 over the applicable amount; or

21 (b) Eighty percent (80%) of the amount of the itemized deductions otherwise allowable for  
22 such taxable year.

23 (2) Applicable amount.

24 (a) In general.

25 For purposes of this section, the term "applicable amount" means \$156,400 (\$78,200 in the  
26 case of a separate return by a married individual)

27 (b) Adjustments for inflation.

28 Each dollar amount contained in paragraph (a) shall be increased by an amount equal to:

29 (i) Such dollar amount contained in paragraph (a) in the year 1991, multiplied by

30 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

31 (3) Phase-out of Limitation.

32 (a) In general.

33 In the case of taxable year beginning after December 31, 2005, and before January 1, 2010,  
34 the reduction under section (1) shall be equal to the applicable fraction of the amount which would

1 be the amount of such reduction.

2 (b) Applicable fraction.

3 For purposes of paragraph (a), the applicable fraction shall be determined in accordance  
4 with the following table:

|  |                            |
|--|----------------------------|
| 5 For taxable years beginning in calendar year | The applicable fraction is |
| 6 2006 and 2007                                | 2/3                        |
| 7 2008 and 2009                                | 1/3                        |

8 (E) Exemption amount.

9 (1) In general.

10 Except as otherwise provided in this subsection, the term "exemption amount" means  
11 \$3,400.

12 (2) Exemption amount disallowed in case of certain dependents.

13 In the case of an individual with respect to whom a deduction under this section is allowable  
14 to another taxpayer for the same taxable year, the exemption amount applicable to such individual  
15 for such individual's taxable year shall be zero.

16 (3) Adjustments for inflation.

17 The dollar amount contained in paragraph (1) shall be increased by an amount equal to:

- 18 (a) Such dollar amount contained in paragraph (1) in the year 1989, multiplied by
- 19 (b) The cost-of-living adjustment determined under section (J) with a base year of 1989.

20 (4) Limitation.

21 (a) In general.

22 In the case of any taxpayer whose adjusted gross income as modified for the taxable year  
23 exceeds the threshold amount shall be reduced by the applicable percentage.

24 (b) Applicable percentage.

25 In the case of any taxpayer whose adjusted gross income for the taxable year exceeds the  
26 threshold amount, the exemption amount shall be reduced by two (2) percentage points for each  
27 \$2,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year  
28 exceeds the threshold amount. In the case of a married individual filing a separate return, the  
29 preceding sentence shall be applied by substituting "\$1,250" for "\$2,500." In no event shall the  
30 applicable percentage exceed one hundred percent (100%).

31 (c) Threshold Amount.

32 For the purposes of this paragraph, the term "threshold amount" shall be determined with  
33 the following table:

|                  |        |
|------------------|--------|
| 34 Filing status | Amount |
|------------------|--------|

|   |  |           |
|---|--|-----------|
| 1 | Single   | \$156,400 |
| 2 | Married filing jointly of qualifying widow(er) | \$234,600 |
| 3 | Married filing separately                      | \$117,300 |
| 4 | Head of Household                              | \$195,500 |

5 (d) Adjustments for inflation.

6 Each dollar amount contained in paragraph (b) shall be increased by an amount equal to:

7 (i) Such dollar amount contained in paragraph (b) in the year 1991, multiplied by

8 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

9 (5) Phase-out of limitation.

10 (a) In general.

11 In the case of taxable years beginning after December 31, 2005, and before January 1,  
 12 2010, the reduction under section 4 shall be equal to the applicable fraction of the amount which  
 13 would be the amount of such reduction.

14 (b) Applicable fraction.

15 For the purposes of paragraph (a), the applicable fraction shall be determined in accordance  
 16 with the following table:

| 17 For taxable years beginning in calendar year | The applicable fraction is |
|---|----------------------------|
| 18 2006 and 2007                                | 2/3                        |
| 19 2008 and 2009                                | 1/3                        |

20 (F) Alternative minimum tax.

21 (1) General rule. There is hereby imposed (in addition to any other tax imposed by this  
 22 subtitle) a tax equal to the excess (if any) of:

23 (a) The tentative minimum tax for the taxable year, over

24 (b) The regular tax for the taxable year.

25 (2) The tentative minimum tax for the taxable year is the sum of:

26 (a) 6.5 percent of so much of the taxable excess as does not exceed \$175,000, plus

27 (b) 7.0 percent of so much of the taxable excess above \$175,000.

28 (3) The amount determined under the preceding sentence shall be reduced by the alternative  
 29 minimum tax foreign tax credit for the taxable year.

30 (4) Taxable excess. For the purposes of this subsection the term "taxable excess" means so  
 31 much of the federal alternative minimum taxable income as modified by the modifications in § 44-  
 32 30-12 as exceeds the exemption amount.

33 (5) In the case of a married individual filing a separate return, subparagraph (2) shall be  
 34 applied by substituting "\$87,500" for \$175,000 each place it appears.

1 (6) Exemption amount.

2 For purposes of this section "exemption amount" means:

| 3 Filing status                                  | Amount   |
|--|----------|
| 4 Single   | \$39,150 |
| 5 Married filing jointly or qualifying widow(er) | \$53,700 |
| 6 Married filing separately                      | \$26,850 |
| 7 Head of Household                              | \$39,150 |
| 8 Estate or trust                                | \$24,650 |

9 (7) Treatment of unearned income of minor children

10 (a) In general.

11 In the case of a minor child, the exemption amount for purposes of section (6) shall not  
12 exceed the sum of:

13 (i) Such child's earned income, plus

14 (ii) \$6,000.

15 (8) Adjustments for inflation.

16 The dollar amount contained in paragraphs (6) and (7) shall be increased by an amount  
17 equal to:

18 (a) Such dollar amount contained in paragraphs (6) and (7) in the year 2004, multiplied by

19 (b) The cost-of-living adjustment determined under section (J) with a base year of 2004.

20 (9) Phase-out.

21 (a) In general.

22 The exemption amount of any taxpayer shall be reduced (but not below zero) by an amount  
23 equal to twenty-five percent (25%) of the amount by which alternative minimum taxable income  
24 of the taxpayer exceeds the threshold amount.

25 (b) Threshold amount.

26 For purposes of this paragraph, the term "threshold amount" shall be determined with the  
27 following table:

| 28 Filing status                                  | Amount    |
|---|-----------|
| 29 Single   | \$123,250 |
| 30 Married filing jointly or qualifying widow(er) | \$164,350 |
| 31 Married filing separately                      | \$82,175  |
| 32 Head of Household                              | \$123,250 |
| 33 Estate or Trust                                | \$82,150  |

34 (c) Adjustments for inflation

1 Each dollar amount contained in paragraph (9) shall be increased by an amount equal to:

2 (i) Such dollar amount contained in paragraph (9) in the year 2004, multiplied by

3 (ii) The cost-of-living adjustment determined under section (J) with a base year of 2004.

4 (G) Other Rhode Island taxes.

5 (1) General rule. There is hereby imposed (in addition to any other tax imposed by this  
6 subtitle) a tax equal to twenty-five percent (25%) of:

7 (a) The Federal income tax on lump-sum distributions.

8 (b) The Federal income tax on parents' election to report child's interest and dividends.

9 (c) The recapture of Federal tax credits that were previously claimed on Rhode Island  
10 return.

11 (H) Tax for children under 18 with investment income.

12 (1) General rule. There is hereby imposed a tax equal to twenty-five percent (25%) of:

13 (a) The Federal tax for children under the age of 18 with investment income.

14 (I) Averaging of farm income.

15 (1) General rule. At the election of an individual engaged in a farming business or fishing  
16 business, the tax imposed in section 2 shall be equal to twenty-five percent (25%) of:

17 (a) The Federal averaging of farm income as determined in IRC section 1301 [26 U.S.C. §  
18 1301].

19 (J) Cost-of-living adjustment.

20 (1) In general.

21 The cost-of-living adjustment for any calendar year is the percentage (if any) by which:

22 (a) The CPI for the preceding calendar year exceeds

23 (b) The CPI for the base year.

24 (2) CPI for any calendar year.

25 For purposes of paragraph (1), the CPI for any calendar year is the average of the consumer  
26 price index as of the close of the twelve (12) month period ending on August 31 of such calendar  
27 year.

28 (3) Consumer price index.

29 For purposes of paragraph (2), the term "consumer price index" means the last consumer  
30 price index for all urban consumers published by the department of labor. For purposes of the  
31 preceding sentence, the revision of the consumer price index that is most consistent with the  
32 consumer price index for calendar year 1986 shall be used.

33 (4) Rounding.

34 (a) In general.

1           If any increase determined under paragraph (1) is not a multiple of \$50, such increase shall  
2 be rounded to the next lowest multiple of \$50.

3           (b) In the case of a married individual filing a separate return, subparagraph (a) shall be  
4 applied by substituting "\$25" for \$50 each place it appears.

5           (K) Credits against tax. For tax years beginning on or after January 1, 2001, a taxpayer  
6 entitled to any of the following federal credits enacted prior to January 1, 1996 shall be entitled to  
7 a credit against the Rhode Island tax imposed under this section:

8           (1) [Deleted by P.L. 2007, ch. 73, art. 7, § 5].

9           (2) Child and dependent care credit;

10          (3) General business credits;

11          (4) Credit for elderly or the disabled;

12          (5) Credit for prior year minimum tax;

13          (6) Mortgage interest credit;

14          (7) Empowerment zone employment credit;

15          (8) Qualified electric vehicle credit.

16          (L) Credit against tax for adoption. For tax years beginning on or after January 1, 2006, a  
17 taxpayer entitled to the federal adoption credit shall be entitled to a credit against the Rhode Island  
18 tax imposed under this section if the adopted child was under the care, custody, or supervision of  
19 the Rhode Island department of children, youth and families prior to the adoption.

20          (M) The credit shall be twenty-five percent (25%) of the aforementioned federal credits  
21 provided there shall be no deduction based on any federal credits enacted after January 1, 1996,  
22 including the rate reduction credit provided by the federal Economic Growth and Tax  
23 Reconciliation Act of 2001 (EGTRRA). In no event shall the tax imposed under this section be  
24 reduced to less than zero. A taxpayer required to recapture any of the above credits for federal tax  
25 purposes shall determine the Rhode Island amount to be recaptured in the same manner as  
26 prescribed in this subsection.

27          (N) Rhode Island earned-income credit.

28          (1) In general.

29                 For tax years beginning before January 1, 2015, a taxpayer entitled to a federal earned-  
30 income credit shall be allowed a Rhode Island earned-income credit equal to twenty-five percent  
31 (25%) of the federal earned-income credit. Such credit shall not exceed the amount of the Rhode  
32 Island income tax.

33                 For tax years beginning on or after January 1, 2015, and before January 1, 2016, a taxpayer  
34 entitled to a federal earned-income credit shall be allowed a Rhode Island earned-income credit

1 equal to ten percent (10%) of the federal earned-income credit. Such credit shall not exceed the  
2 amount of the Rhode Island income tax.

3 For tax years beginning on or after January 1, 2016, a taxpayer entitled to a federal earned-  
4 income credit shall be allowed a Rhode Island earned-income credit equal to twelve and one-half  
5 percent (12.5%) of the federal earned-income credit. Such credit shall not exceed the amount of the  
6 Rhode Island income tax.

7 For tax years beginning on or after January 1, 2017, a taxpayer entitled to a federal earned-  
8 income credit shall be allowed a Rhode Island earned-income credit equal to fifteen percent (15%)  
9 of the federal earned-income credit. Such credit shall not exceed the amount of the Rhode Island  
10 income tax.

11 (2) Refundable portion.

12 In the event the Rhode Island earned-income credit allowed under paragraph (N)(1) of this  
13 section exceeds the amount of Rhode Island income tax, a refundable earned-income credit shall  
14 be allowed as follows.

15 (i) For tax years beginning before January 1, 2015, for purposes of paragraph (2) refundable  
16 earned-income credit means fifteen percent (15%) of the amount by which the Rhode Island earned-  
17 income credit exceeds the Rhode Island income tax.

18 (ii) For tax years beginning on or after January 1, 2015, for purposes of paragraph (2)  
19 refundable earned-income credit means one hundred percent (100%) of the amount by which the  
20 Rhode Island earned-income credit exceeds the Rhode Island income tax.

21 (O) The tax administrator shall recalculate and submit necessary revisions to paragraphs  
22 (A) through (J) to the general assembly no later than February 1, 2010 and every three (3) years  
23 thereafter for inclusion in the statute.

24 (3) For the period January 1, 2011 through December 31, 2011, and thereafter, "Rhode  
25 Island taxable income" means federal adjusted gross income as determined under the Internal  
26 Revenue Code, 26 U.S.C. 1 et seq., and as modified for Rhode Island purposes pursuant to § 44-  
27 30-12 less the amount of Rhode Island Basic Standard Deduction allowed pursuant to subparagraph  
28 44-30-2.6(c)(3)(B), and less the amount of personal exemption allowed pursuant to subparagraph  
29 44-30-2.6(c)(3)(C).

30 (A) Tax imposed.

31 (I) There is hereby imposed on the taxable income of married individuals filing joint  
32 returns, qualifying widow(er), every head of household, unmarried individuals, married individuals  
33 filing separate returns and bankruptcy estates, a tax determined in accordance with the following  
34 table:

|   |                   |              |                  |                    |
|---|-------------------|--------------|------------------|--------------------|
| 1 | RI Taxable Income |              |                  | RI Income Tax      |
| 2 | Over              | But not over | Pay +% on Excess | on the amount over |
| 3 | \$0 -             | \$ 55,000    | \$ 0 + 3.75%     | \$0                |
| 4 | 55,000 -          | 125,000      | 2,063 + 4.75%    | 55,000             |
| 5 | 125,000 -         |              | 5,388 + 5.99%    | 125,000            |

6 (II) There is hereby imposed on the taxable income of an estate or trust a tax determined in  
7 accordance with the following table:

|    |                   |              |                   |                    |
|----|-------------------|--------------|-------------------|--------------------|
| 8  | RI Taxable Income |              |                   | RI Income Tax      |
| 9  | Over              | But not over | Pay + % on Excess | on the amount over |
| 10 | \$0 -             | \$ 2,230     | \$ 0 + 3.75%      | \$0                |
| 11 | 2,230 -           | 7,022        | 84 + 4.75%        | 2,230              |
| 12 | 7,022 -           |              | 312 + 5.99%       | 7,022              |

13 (B) Deductions:

14 (I) Rhode Island Basic Standard Deduction. Only the Rhode Island standard deduction shall  
15 be allowed in accordance with the following table:

|    |  |          |
|----|--|----------|
| 16 | Filing status:                                 | Amount   |
| 17 | Single   | \$7,500  |
| 18 | Married filing jointly or qualifying widow(er) | \$15,000 |
| 19 | Married filing separately                      | \$7,500  |
| 20 | Head of Household                              | \$11,250 |

21 (II) Nonresident alien individuals, estates and trusts are not eligible for standard  
22 deductions.

23 (III) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island  
24 purposes pursuant to § 44-30-12, for the taxable year exceeds one hundred seventy-five thousand  
25 dollars (\$175,000), the standard deduction amount shall be reduced by the applicable percentage.  
26 The term "applicable percentage" means twenty (20) percentage points for each five thousand  
27 dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable  
28 year exceeds one hundred seventy-five thousand dollars (\$175,000).

29 (C) Exemption Amount:

30 (I) The term "exemption amount" means three thousand five hundred dollars (\$3,500)  
31 multiplied by the number of exemptions allowed for the taxable year for federal income tax  
32 purposes. [For tax years beginning on or after 2018, the term "exemption amount" means the same](#)  
33 [as it does in 26 USC § 151 and 26 USC § 152 just prior to the enactment of the Tax Cuts and Jobs](#)  
34 [Act \(Pub. L. 115-97\) on December 22, 2017.](#)

1 (II) Exemption amount disallowed in case of certain dependents. In the case of an  
2 individual with respect to whom a deduction under this section is allowable to another taxpayer for  
3 the same taxable year, the exemption amount applicable to such individual for such individual's  
4 taxable year shall be zero.

5 (III) Identifying information required.

6 (1) Except as provided in § 44-30-2.6(c)(3)(C)(II) of this section, no exemption shall be  
7 allowed under this section with respect to any individual unless the Taxpayer Identification Number  
8 of such individual is included on the federal return claiming the exemption for the same tax filing  
9 period.

10 (2) Notwithstanding the provisions of § 44-30-2.6(c)(3)(C)(I) of this section, in the event  
11 that the Taxpayer Identification Number for each individual is not required to be included on the  
12 federal tax return for the purposes of claiming a person exemption(s), then the Taxpayer  
13 Identification Number must be provided on the Rhode Island tax return for the purpose of claiming  
14 said exemption(s).

15 (D) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island  
16 purposes pursuant to § 44-30-12, for the taxable year exceeds one hundred seventy-five thousand  
17 dollars (\$175,000), the exemption amount shall be reduced by the applicable percentage. The term  
18 "applicable percentage" means twenty (20) percentage points for each five thousand dollars  
19 (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year  
20 exceeds one hundred seventy-five thousand dollars (\$175,000).

21 (E) Adjustment for inflation. The dollar amount contained in subparagraphs 44-30-  
22 2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) shall be increased annually by an amount  
23 equal to:

24 (I) Such dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-2.6(c)(3)(B)  
25 and 44-30-2.6(c)(3)(C) adjusted for inflation using a base tax year of 2000, multiplied by;

26 (II) The cost-of-living adjustment with a base year of 2000.

27 (III) For the purposes of this section, the cost-of-living adjustment for any calendar year is  
28 the percentage (if any) by which the consumer price index for the preceding calendar year exceeds  
29 the consumer price index for the base year. The consumer price index for any calendar year is the  
30 average of the consumer price index as of the close of the twelve-month (12) period ending on  
31 August 31, of such calendar year.

32 (IV) For the purpose of this section the term "consumer price index" means the last  
33 consumer price index for all urban consumers published by the department of labor. For the purpose  
34 of this section the revision of the consumer price index that is most consistent with the consumer

1 price index for calendar year 1986 shall be used.

2 (V) If any increase determined under this section is not a multiple of fifty dollars (\$50.00),  
3 such increase shall be rounded to the next lower multiple of fifty dollars (\$50.00). In the case of a  
4 married individual filing separate return, if any increase determined under this section is not a  
5 multiple of twenty-five dollars (\$25.00), such increase shall be rounded to the next lower multiple  
6 of twenty-five dollars (\$25.00).

7 (F) Credits against tax.

8 (I) Notwithstanding any other provisions of Rhode Island Law, for tax years beginning on  
9 or after January 1, 2011, the only credits allowed against a tax imposed under this chapter shall be  
10 as follows:

11 (a) Rhode Island earned-income credit: Credit shall be allowed for earned-income credit  
12 pursuant to subparagraph 44-30-2.6(c)(2)(N).

13 (b) Property Tax Relief Credit: Credit shall be allowed for property tax relief as provided  
14 in § 44-33-1 et seq.

15 (c) Lead Paint Credit: Credit shall be allowed for residential lead abatement income tax  
16 credit as provided in § 44-30.3-1 et seq.

17 (d) Credit for income taxes of other states. Credit shall be allowed for income tax paid to  
18 other states pursuant to § 44-30-74.

19 (e) Historic Structures Tax Credit: Credit shall be allowed for historic structures tax credit  
20 as provided in § 44-33.2-1 et seq.

21 (f) Motion Picture Productions Tax Credit: Credit shall be allowed for motion picture  
22 production tax credit as provided in § 44-31.2-1 et seq.

23 (g) Child and Dependent Care: Credit shall be allowed for twenty-five percent (25%) of  
24 the federal child and dependent care credit allowable for the taxable year for federal purposes;  
25 provided, however, such credit shall not exceed the Rhode Island tax liability.

26 (h) Tax credits for contributions to Scholarship Organizations: Credit shall be allowed for  
27 contributions to scholarship organizations as provided in chapter 62 of title 44.

28 (i) Credit for tax withheld. Wages upon which tax is required to be withheld shall be taxable  
29 as if no withholding were required, but any amount of Rhode Island personal income tax actually  
30 deducted and withheld in any calendar year shall be deemed to have been paid to the tax  
31 administrator on behalf of the person from whom withheld, and the person shall be credited with  
32 having paid that amount of tax for the taxable year beginning in that calendar year. For a taxable  
33 year of less than twelve (12) months, the credit shall be made under regulations of the tax  
34 administrator.

1 (j) Stay Invested in RI Wavemaker Fellowship: Credit shall be allowed for stay invested in  
2 RI wavemaker fellowship program as provided in § 42-64.26-1 et seq.

3 (k) Rebuild Rhode Island: Credit shall be allowed for rebuild RI tax credit as provided in  
4 § 42-64.20-1 et seq.

5 (l) Rhode Island Qualified Jobs Incentive Program: Credit shall be allowed for Rhode  
6 Island new qualified jobs incentive program credit as provided in § 44-48.3-1 et seq.

7 (m) Historic homeownership assistance act: Effective for tax year 2017 and thereafter,  
8 unused carryforward for such credit previously issued shall be allowed for the historic  
9 homeownership assistance act as provided in § 44-33.1-4. This allowance is for credits already  
10 issued pursuant to § 44-33.1-4 and shall not be construed to authorize the issuance of new credits  
11 under the historic homeownership assistance act.

12 (2) Except as provided in section 1 above, no other state and federal tax credit shall be  
13 available to the taxpayers in computing tax liability under this chapter.

14 SECTION 14. Section 44-1-2 of the General Laws in Chapter 44-1 entitled "State Tax  
15 Officials" is hereby amended to read as follows:

16 **44-1-2. Powers and duties of tax administrator.**

17 The tax administrator is required:

18 (1) To assess and collect all taxes previously assessed by the division of state taxation in  
19 the department of revenue and regulation, including the franchise tax on domestic corporations,  
20 corporate excess tax, tax upon gross earnings of public service corporations, tax upon interest  
21 bearing deposits in national banks, the inheritance tax, tax on gasoline and motor fuels, and tax on  
22 the manufacture of alcoholic beverages;

23 (2) To assess and collect the taxes upon banks and insurance companies previously  
24 administered by the division of banking and insurance in the department of revenue and regulation,  
25 including the tax on foreign and domestic insurance companies, tax on foreign building and loan  
26 associations, deposit tax on savings banks, and deposit tax on trust companies;

27 (3) To assess and collect the tax on pari-mutuel or auction mutuel betting, previously  
28 administered by the division of horse racing in the department of revenue and regulation.

29 (4) [Deleted by P.L. 2006, ch. 246, art. 38, § 10].

30 (5) To assess and collect the monthly surcharges that are collected by telecommunication  
31 services providers pursuant to § 39-21.1-14 and are remitted to the division of taxation.

32 (6) To audit, assess and collect all unclaimed intangible and tangible property pursuant to  
33 chapter 21.1 of title 33.

34 (7) To provide to the department of labor and training any state tax information, state

1 records or state documents they or the requesting agency certify as necessary to assist the agency  
2 in efforts to investigate suspected misclassification of employee status, wage and hour violations,  
3 or prevailing wage violations subject to the agency's jurisdiction, even if deemed confidential under  
4 applicable law, provided that the confidentiality of such materials shall be maintained, to the extent  
5 required of the releasing department by any federal or state law or regulation, by all state  
6 departments to which the materials are released and no such information shall be publicly disclosed,  
7 except to the extent necessary for the requesting department or agency to adjudicate a violation of  
8 applicable law. The certification must include a representation that there is probable cause to  
9 believe that a violation has occurred. State departments sharing this information or materials may  
10 enter into written agreements via memorandums of understanding to ensure the safeguarding of  
11 such released information or materials.

12 (8) To preserve the Rhode Island tax base under Rhode Island law prior to the December  
13 22, 2017 Congressional enactment of Public Law 115-97, The Tax Cuts and Jobs Act, the tax  
14 administrator, upon prior written notice to the speaker of the house, senate president, and  
15 chairpersons of the house and senate finance committees, is specifically authorized to amend tax  
16 forms and related instructions in response to any changes the Internal Revenue Service makes to  
17 its forms, regulations, and/or processing which will materially impact state revenues, to the extent  
18 that impact is measurable. Any Internal Revenue Service changes to forms, regulations and/or  
19 processing which go into effect during the current tax year or within six (6) months of the beginning  
20 of the next tax year and which will materially impact state revenue will be deemed grounds for the  
21 promulgation of emergency rules and regulations under Rhode Island General Laws 42-35-2.10.  
22 The provisions of this subsection (8) shall sunset on December 31, 2021.

23 SECTION 15. Sections 42-63.1-3 and 42-63.1-12 of the General Laws in Chapter 42-63.1  
24 entitled "Tourism and Development" are hereby amended to read as follows:

25 **42-63.1-3. Distribution of tax.**

26 (a) For returns and tax payments received on or before December 31, 2015, except as  
27 provided in § 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax  
28 collected from residential units offered for tourist or transient use through a hosting platform, shall  
29 be distributed as follows by the division of taxation and the city of Newport:

30 (1) Forty-seven percent (47%) of the tax generated by the hotels in the district, except as  
31 otherwise provided in this chapter, shall be given to the regional tourism district wherein the hotel  
32 is located; provided, however, that from the tax generated by the hotels in the city of Warwick,  
33 thirty-one percent (31%) of the tax shall be given to the Warwick regional tourism district  
34 established in § 42-63.1-5(a)(5) and sixteen percent (16%) of the tax shall be given to the Greater

1 Providence-Warwick Convention and Visitors' Bureau established in § 42-63.1-11; and provided  
2 further, that from the tax generated by the hotels in the city of Providence, sixteen percent (16%)  
3 of that tax shall be given to the Greater Providence-Warwick Convention and Visitors' Bureau  
4 established by § 42-63.1-11, and thirty-one percent (31%) of that tax shall be given to the  
5 Convention Authority of the city of Providence established pursuant to the provisions of chapter  
6 84 of the public laws of January, 1980; provided, however, that the receipts attributable to the  
7 district as defined in § 42-63.1-5(a)(7) shall be deposited as general revenues, and that the receipts  
8 attributable to the district as defined in § 42-63.1-5(a)(8) shall be given to the Rhode Island  
9 commerce corporation as established in chapter 64 of title 42.

10 (2) Twenty-five percent (25%) of the hotel tax shall be given to the city or town where the  
11 hotel, which generated the tax, is physically located, to be used for whatever purpose the city or  
12 town decides.

13 (3) Twenty-one (21%) of the hotel tax shall be given to the Rhode Island commerce  
14 corporation established in chapter 64 of title 42, and seven percent (7%) to the Greater Providence-  
15 Warwick Convention and Visitors' Bureau.

16 (b) For returns and tax payments received after December 31, 2015, except as provided in  
17 § 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from  
18 residential units offered for tourist or transient use through a hosting platform, shall be distributed  
19 as follows by the division of taxation and the city of Newport:

20 (1) For the tax generated by the hotels in the Aquidneck Island district, as defined in § 42-  
21 63.1-5, forty-two percent (42%) of the tax shall be given to the Aquidneck Island district, twenty-  
22 five (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is  
23 physically located, five percent (5%) of the tax shall be given to the Greater Providence-Warwick  
24 Convention and Visitors Bureau established in § 42-63.1-11, and twenty-eight percent (28%) of  
25 the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title  
26 42.

27 (2) For the tax generated by the hotels in the Providence district as defined in § 42-63.1-5,  
28 twenty eight percent (28%) of the tax shall be given to the Providence district, twenty-five percent  
29 (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is  
30 physically located, twenty-three (23%) of the tax shall be given to the Greater Providence-Warwick  
31 Convention and Visitors Bureau established in § 42-63.1-11, and twenty-four (24%) of the tax shall  
32 be given to the Rhode Island commerce corporation established in chapter 64 of title 42.

33 (3) For the tax generated by the hotels in the Warwick district as defined in § 42-63.1-5,  
34 twenty-eight percent (28%) of the tax shall be given to the Warwick District, twenty-five percent

1 (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is  
2 physically located, twenty-three percent (23%) of the tax shall be given to the Greater Providence-  
3 Warwick Convention and Visitors Bureau established in § 42-63.1-11, and twenty-four (24%) of  
4 the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title  
5 42.

6 (4) For the tax generated by the hotels in the Statewide district, as defined in § 42-63.1-5,  
7 twenty-five percent (25%) of the tax shall be given to the city or town where the hotel, which  
8 generated the tax, is physically located, five percent (5%) of the tax shall be given to the Greater  
9 Providence-Warwick Convention and Visitors Bureau established in § 42-63.1-11, and seventy  
10 percent (70%) of the tax shall be given to the Rhode Island commerce corporation established in  
11 chapter 64 of title 42.

12 (5) With respect to the tax generated by hotels in districts other than those set forth in  
13 subdivisions (b)(1) through (b)(4), forty-two percent (42%) of the tax shall be given to the regional  
14 tourism district, as defined in § 42-63.1-5, wherein the hotel is located, twenty-five percent (25%)  
15 of the tax shall be given to the city or town where the hotel, which generated the tax, is physically  
16 located, five percent (5%) of the tax shall be given to the Greater Providence-Warwick Convention  
17 and Visitors Bureau established in § 42-63.1-11, and twenty-eight (28%) of the tax shall be given  
18 to the Rhode Island commerce corporation established in chapter 64 of title 42.

19 (c) The proceeds of the hotel tax collected from residential units offered for tourist or  
20 transient use through a hosting platform shall be distributed as follows by the division of taxation  
21 and the city of Newport: twenty-five percent (25%) of the tax shall be given to the city or town  
22 where the residential unit, which generated the tax, is physically located, and seventy-five percent  
23 (75%) of the tax shall be given to the Rhode Island commerce corporation established in chapter  
24 64 of title 42.

25 (d) The Rhode Island commerce corporation shall be required in each fiscal year to spend  
26 on the promotion and marketing of Rhode Island as a destination for tourists or businesses an  
27 amount of money of no less than the total proceeds of the hotel tax it receives pursuant to this  
28 chapter for such fiscal year.

29 (e) Notwithstanding the foregoing provisions of this section, for returns and tax payments  
30 received on or after July 1, 2016 and on or before June 30, 2017, except as provided in § 42-63.1-  
31 12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from residential  
32 units offered for tourist or transient use through a hosting platform, shall be distributed in  
33 accordance with the distribution percentages established in § 42-63.1-3(a)(1) through § 42-63.1-  
34 3(a)(3) by the division of taxation and the city of Newport.

1           (f) For returns and tax payments received on or after July 1, 2018, except as provided in §  
2 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from  
3 residential units offered for tourist or transient use through a hosting platform, shall be distributed  
4 as follows by the division of taxation and the city of Newport:

5           (1) For the tax generated by the hotels in the Aquidneck Island district, as defined in § 42-  
6 63.1-5, forty-five percent (45%) of the tax shall be given to the Aquidneck Island district, twenty-  
7 five (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is  
8 physically located, five percent (5%) of the tax shall be given to the Greater Providence-Warwick  
9 Convention and Visitors Bureau established in § 42-63.1-11, and twenty-five percent (25%) of the  
10 tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title 42.

11           (2) For the tax generated by the hotels in the Providence district as defined in § 42-63.1-5,  
12 thirty percent (30%) of the tax shall be given to the Providence district, twenty-five percent (25%)  
13 of the tax shall be given to the city or town where the hotel, which generated the tax, is physically  
14 located, twenty-four (24%) of the tax shall be given to the Greater Providence-Warwick  
15 Convention and Visitors Bureau established in § 42-63.1-11, and twenty-one (21%) of the tax shall  
16 be given to the Rhode Island commerce corporation established in chapter 64 of title 42.

17           (3) For the tax generated by the hotels in the Warwick district as defined in § 42-63.1-5,  
18 thirty percent (30%) of the tax shall be given to the Warwick District, twenty-five percent (25%)  
19 of the tax shall be given to the city or town where the hotel, which generated the tax, is physically  
20 located, twenty-four percent (24%) of the tax shall be given to the Greater Providence-Warwick  
21 Convention and Visitors Bureau established in § 42-63.1-11, and twenty-one (21%) of the tax shall  
22 be given to the Rhode Island commerce corporation established in chapter 64 of title 42.

23           (4) For the tax generated by the hotels in the Statewide district, as defined in § 42-63.1-5,  
24 twenty-five percent (25%) of the tax shall be given to the city or town where the hotel, which  
25 generated the tax, is physically located, five percent (5%) of the tax shall be given to the Greater  
26 Providence-Warwick Convention and Visitors Bureau established in § 42-63.1-11, and seventy  
27 percent (70%) of the tax shall be given to the Rhode Island commerce corporation established in  
28 chapter 64 of title 42.

29           (5) With respect to the tax generated by hotels in districts other than those set forth in  
30 subdivisions (b)(1) through (b)(4), forty-five percent (45%) of the tax shall be given to the regional  
31 tourism district, as defined in § 42-63.1-5, wherein the hotel is located, twenty-five percent (25%)  
32 of the tax shall be given to the city or town where the hotel, which generated the tax, is physically  
33 located, five percent (5%) of the tax shall be given to the Greater Providence-Warwick Convention  
34 and Visitors Bureau established in § 42-63.1-11, and twenty-five (25%) of the tax shall be given to

1 [the Rhode Island commerce corporation established in chapter 64 of title 42.](#)

2 **42-63.1-12. Distribution of tax to Rhode Island Convention Center Authority.**

3 (a) For returns and tax received on or before December 31, 2015, the proceeds of the hotel  
4 tax generated by any and all hotels physically connected to the Rhode Island Convention Center  
5 shall be distributed as follows: twenty-seven percent (27%) shall be deposited as general revenues;  
6 thirty-one percent (31%) shall be given to the convention authority of the city of Providence; twelve  
7 percent (12%) shall be given to the greater Providence-Warwick convention and visitor's bureau;  
8 thirty percent (30%) shall be given to the Rhode Island convention center authority to be used in  
9 the furtherance of the purposes set forth in § 42-99-4.

10 (b) For returns and tax received after December 31, 2015, the proceeds of the hotel tax  
11 generated by any and all hotels physically connected to the Rhode Island Convention Center shall  
12 be distributed as follows: twenty-eight percent (28%) shall be given to the convention authority of  
13 the city of Providence; twelve percent (12%) shall be given to the greater Providence-Warwick  
14 convention and visitor's bureau; and sixty percent (60%) shall be given to the Rhode Island  
15 Commerce Corporation established in chapter 64 of title 42.

16 (c) The Rhode Island Convention Center Authority is authorized and empowered to enter  
17 into contracts with the Greater Providence-Warwick Convention and Visitors' Bureau in the  
18 furtherance of the purposes set forth in this chapter.

19 [\(d\) For returns and tax received on or after July 1, 2018, the proceeds of the hotel tax](#)  
20 [generated by any and all hotels physically connected to the Rhode Island Convention Center shall](#)  
21 [be distributed as follows: thirty percent \(30%\) shall be given to the convention authority of the city](#)  
22 [of Providence; twenty percent \(20%\) shall be given to the greater Providence-Warwick convention](#)  
23 [and visitor's bureau; and fifty percent \(50%\) shall be given to the Rhode Island Commerce](#)  
24 [Corporation established in chapter 64 of title 42.](#)

25 SECTION 16. Severability. -- If any provisions of the article or the application thereof to  
26 any person or circumstances is held invalid, such invalidity shall not affect any other provisions or  
27 applications of this article, which can be given effect without the invalid provision or application,  
28 and to this end the provisions of this article are declared to be severable.

29 SECTION 17. Sections 2 through Section 7 shall take effect upon passage. Section 13 shall  
30 take effect for tax years on or after January 1, 2018. Section 11 shall take effect on October 1, 2018.  
31 Section 10, as it pertains to vendor-hosted prewritten software, shall take effect as of October 1,  
32 2018. The remainder of Section 10 and the remainder of this article shall take effect as of July 1,  
33 2018.

1 **ARTICLE 5**

2 RELATING TO CAPITAL DEVELOPMENT PROGRAM

3 SECTION 1. Proposition to be submitted to the people. -- At the general election to be  
4 held on the Tuesday next after the first Monday in November 2018, there shall be submitted to the  
5 people ("People") of the State of Rhode Island ("State"), for their approval or rejection, the  
6 following proposition:

7 "Shall the action of the general assembly, by an act passed at the January 2018 session,  
8 authorizing the issuance of bonds, refunding bonds, and/or temporary notes of the State of Rhode  
9 Island for the capital projects and in the amount with respect to each such project listed below be  
10 approved, and the issuance of bonds, refunding bonds, and/or temporary notes authorized in  
11 accordance with the provisions of said act?"

12 **Project**

13 (1) Rhode Island School Buildings \$250,000,000

14 Approval of this question will allow the State of Rhode Island to issue general obligation  
15 bonds, refunding bonds, and/or temporary notes in an amount not to exceed two-hundred-fifty  
16 million dollars (\$250,000,000) over a five (5) year period, and not to exceed one-hundred million  
17 dollars (\$100,000,000) in any one (1) year, to provide direct funding for foundational level school  
18 housing aid and the school building authority capital fund.

19 (2) Higher Education Facilities \$70,000,000

20 Approval of this question will allow the State of Rhode Island to issue general obligation  
21 bonds, refunding bonds, and/or temporary notes in an amount not to exceed seventy million dollars  
22 (\$70,000,000) to higher education facilities, to be allocated as follows:

23 (a) University of Rhode Island Narragansett Bay Campus \$45,000,000

24 Provides forty-five million dollars (\$45,000,000) to fund repairs and construct new  
25 facilities on the University of Rhode Island's Narragansett Bay campus in support of the  
26 educational and research needs for the marine disciplines.

27 (b) Rhode Island College School of Education and Human Development \$25,000,000

28 Provides twenty-five million dollars (\$25,000,000) to fund the renovation of Horace Mann  
29 Hall on the campus of Rhode Island College, which houses the School of Education and Human  
30 Development.

1 (3) Green Economy and Clean Water \$47,300,000

2 Approval of this question will allow the State of Rhode Island to issue general obligation  
3 bonds, refunding bonds, and/or temporary notes in an amount not to exceed forty-seven million  
4 three hundred thousand dollars (\$47,300,000) for environmental and recreational purposes, to be  
5 allocated as follows:

6 (a) Coastal Resiliency and Public Access Projects \$5,000,000

7 Provides five million dollars (\$5,000,000) for up to seventy-five percent (75%) matching  
8 grants to public and non-profit entities for restoring and/or improving resiliency of vulnerable  
9 coastal habitats, and restoring rivers and stream floodplains. These funds are expected to leverage  
10 significant matching funds to support local programs to improve community resiliency and public  
11 safety in the face of increased flooding, major storm events, and environmental degradation.

12 (b) Capital for Clean Water and Drinking Water \$7,900,000

13 Provides seven million nine hundred thousand dollars (\$7,900,000) for clean water and  
14 drinking water infrastructure improvements. Projects range from wastewater treatment upgrades  
15 and storm water quality improvements to combine sewer overflow abatement projects.

16 (c) Wastewater Treatment Facility Resilience Improvements \$5,000,000

17 Provides five million dollars (\$5,000,000) for up to fifty percent (50%) matching grants  
18 for wastewater treatment facility resiliency improvements for facilities vulnerable to increased  
19 flooding, major storm events and environmental degradation.

20 (d) Dam Safety \$4,400,000

21 Provides four million four hundred thousand dollars (\$4,400,000) for repairing and/or  
22 removing state-owned dams.

23 (e) Dredging - Downtown Providence Rivers \$7,000,000

24 Provides seven million dollars (\$7,000,000) for the state to obtain additional dredging  
25 analysis and the dredging of the Downtown Providence Rivers from: The Woonasquatucket River  
26 from I-95 north of Providence Place Mall to its confluence with the Providence River; the  
27 Moshassuck River from Smith Street to its confluence with the Providence River; and the  
28 Providence River from Steeple Street to Point Street; and dredging a sediment basin upstream of  
29 the Providence Place Mall and I-95 for approximately six hundred feet (600').

30 (f) State Bikeway Development Program \$5,000,000

31 Provides five million dollars (\$5,000,000) for the State to design, repair, and construct  
32 bikeways, including the East Bay bike path.

33 (g) Brownfield Remediation and Economic Development \$4,000,000

34 Provides four million dollars (\$4,000,000) for up to eighty percent (80%) matching grants

1 to public, private, and/or non-profit entities for brownfield remediation projects.

2 (h) Local Recreation Projects \$5,000,000

3 Provides five million dollars (\$5,000,000) for up to eighty percent (80%) matching grants  
4 for municipalities to acquire, develop, or rehabilitate local recreational facilities to meet the  
5 growing needs for active recreational facilities.

6 (i) Access to Farmland \$2,000,000

7 Provides two million dollars (\$2,000,000) to protect the State's working farms through the  
8 State Farmland Access Program and the purchase of Development Rights by the Agricultural Lands  
9 Preservation Commission

10 (j) Local Open Space \$2,000,000

11 Provides two million dollars (\$2,000,000) for up to fifty percent (50%) matching grants to  
12 municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest,  
13 development rights, or conservation easements on open space and urban parklands.

14 SECTION 2. Ballot labels and applicability of general election laws. -- The Secretary  
15 of State shall prepare and deliver to the State Board of Elections ballot labels for each of the projects  
16 provided for in Section 1 hereof with the designations "approve" or "reject" provided next to the  
17 description of each such project to enable voters to approve or reject each such proposition. The  
18 general election laws, so far as consistent herewith, shall apply to this proposition.

19 SECTION 3. Approval of projects by people. -- If a majority of the People voting on the  
20 proposition in Section 1 hereof shall vote to approve any project stated therein, said project shall  
21 be deemed to be approved by the People. The authority to issue bonds, refunding bonds and/or  
22 temporary notes of the State shall be limited to the aggregate amount for all such projects as set  
23 forth in the proposition, which has been approved by the People.

24 SECTION 4. Bonds for capital development program. -- The General Treasurer is  
25 hereby authorized and empowered, with the approval of the Governor, and in accordance with the  
26 provisions of this Act to issue capital development bonds in serial form, in the name of and on  
27 behalf of the State of Rhode Island, in amounts as may be specified by the Governor in an aggregate  
28 principal amount not to exceed the total amount for all projects approved by the People and  
29 designated as "capital development loan of 2018 bonds." Provided, however, that the aggregate  
30 principal amount of such capital development bonds and of any temporary notes outstanding at any  
31 one time issued in anticipation thereof pursuant to Section 7 hereof shall not exceed the total amount  
32 for all such projects approved by the People. All provisions in this Act relating to "bonds" shall  
33 also be deemed to apply to "refunding bonds."

34 Capital development bonds issued under this Act shall be in denominations of one thousand

1 dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or currency of the  
2 United States which at the time of payment shall be legal tender for public and private debts. These  
3 capital development bonds shall bear such date or dates, mature at specified time or times, but not  
4 mature beyond the end of the twentieth (20<sup>th</sup>) State fiscal year following the fiscal year in which  
5 they are issued; bear interest payable semi-annually at a specified rate or different or varying rates:  
6 be payable at designated time or times at specified place or places; be subject to express terms of  
7 redemption or recall, with or without premium; be in a form, with or without interest coupons  
8 attached; carry such registration, conversion, reconversion, transfer, debt retirement, acceleration  
9 and other provisions as may be fixed by the General Treasurer, with the approval by the Governor,  
10 upon each issue of such capital development bonds at the time of each issue. Whenever the  
11 Governor shall approve the issuance of such capital development bonds, the Governor's approval  
12 shall be certified to the Secretary of State; the bonds shall be signed by the General Treasurer and  
13 countersigned by Secretary of State and shall bear the seal of the State. The signature approval of  
14 the Governor shall be endorsed on each bond.

15 SECTION 5. Refunding bonds for 2018 capital development program. -- The General  
16 Treasurer is hereby authorized and empowered, with the approval of the Governor, and in  
17 accordance with the provisions of this Act, to issue bonds to refund the 2018 capital development  
18 program bonds, in the name of and on behalf of the state, in amounts as may be specified by the  
19 Governor in an aggregate principal amount not to exceed the total amount approved by the People,  
20 to be designated as "capital development program loan of 2018 refunding bonds" (hereinafter  
21 "Refunding Bonds").

22 The General Treasurer with the approval of the Governor shall fix the terms and form of  
23 any Refunding Bonds issued under this Act in the same manner as the capital development bonds  
24 issued under this Act, except that the Refunding Bonds may not mature more than twenty (20) years  
25 from the date of original issue of the capital development bonds being refunded.

26 The proceeds of the Refunding Bonds, exclusive of any premium and accrual interest and  
27 net the underwriters' cost, and cost of bond insurance, shall, upon their receipt, be paid by the  
28 General Treasurer immediately to the paying agent for the capital development bonds which are to  
29 be called and prepaid. The paying agent shall hold the Refunding Bond proceeds in trust until they  
30 are applied to prepay the capital development bonds. While such proceeds are held in trust, the  
31 proceeds may be invested for the benefit of the State in obligations of the United States of America  
32 or the State of Rhode Island.

33 If the General Treasurer shall deposit with the paying agent for the capital development  
34 bonds the proceeds of the Refunding Bonds, or proceeds from other sources, amounts that, when

1 invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all  
2 principal, interest, and premium, if any, on the capital development bonds until these bonds are  
3 called for prepayment, then such capital development bonds shall not be considered debts of the  
4 State of Rhode Island for any purpose starting from the date of deposit of such moneys with the  
5 paying agent. The Refunding Bonds shall continue to be a debt of the State until paid.

6 The term "bond" shall include "note," and the term "refunding bonds" shall include  
7 "refunding notes" when used in this Act.

8 SECTION 6. Proceeds of capital development program. -- The General Treasurer is  
9 directed to deposit the proceeds from the sale of capital development bonds issued under this Act,  
10 exclusive of premiums and accrued interest and net the underwriters' cost, and cost of bond  
11 insurance, in one or more of the depositories in which the funds of the State may be lawfully kept  
12 in special accounts (hereinafter cumulatively referred to as "such capital development bond fund")  
13 appropriately designated for each of the projects set forth in Section 1 hereof which shall have been  
14 approved by the People to be used for the purpose of paying the cost of all such projects so  
15 approved.

16 All monies in the capital development bond fund shall be expended for the purposes  
17 specified in the proposition provided for in Section 1 hereof under the direction and supervision of  
18 the Director of Administration (hereinafter referred to as "Director"). The Director or his or her  
19 designee shall be vested with all power and authority necessary or incidental to the purposes of this  
20 Act, including but not limited to, the following authority: (a) to acquire land or other real property  
21 or any interest, estate or right therein as may be necessary or advantageous to accomplish the  
22 purposes of this Act; (b) to direct payment for the preparation of any reports, plans and  
23 specifications, and relocation expenses and other costs such as for furnishings, equipment  
24 designing, inspecting and engineering, required in connection with the implementation of any  
25 projects set forth in Section 1 hereof; (c) to direct payment for the costs of construction,  
26 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other  
27 improvements to land in connection with the implementation of any projects set forth in Section 1  
28 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor  
29 for repair, renovation or conversion of systems and structures as necessary for the 2018 capital  
30 development program bonds or notes hereunder from the proceeds thereof. No funds shall be  
31 expended in excess of the amount of the capital development bond fund designated for each project  
32 authorized in Section 1 hereof. With respect to the bonds and temporary notes described in Section  
33 1, the proceeds shall be used for the following purposes:

34 Question 1, relating to bonds in the amount of two hundred-fifty million dollars

1 (\$250,000,000) to provide funding for the construction, renovation, and rehabilitation of the state's  
2 public schools pursuant to § 45-38.2-4 (e).

3 Question 2, relating to bonds in the amount of seventy million dollars (\$70,000,000) to  
4 provide funding for higher education facilities to be allocated as follows:

5 (a) University of Rhode Island Narragansett Bay Campus \$45,000,000

6 Provides forty-five million dollars (\$45,000,000) to renovate, build additions, and  
7 construct new facilities, including a new Ocean Innovation Center building, to support the ongoing  
8 and evolving educational and research needs in marine biology, oceanography, oceanic  
9 instrumentation and other marine disciplines at the Narragansett Bay Campus. Constructing new  
10 facilities will allow the University to accommodate a new one hundred twenty-five million dollars  
11 (\$125,000,000) National Science Foundation federal research vessel and other University-  
12 supported research vessels at the University's Narragansett Bay campus facilities.

13 (b) Rhode Island College School of Education and Human Development \$25,000,000

14 Provides twenty-five million dollars (\$25,000,000) to renovate Horace Mann Hall on the  
15 campus of Rhode Island College in Providence. Horace Mann Hall houses the Feinstein School of  
16 Education and Human Development, the historical leader in producing Rhode Island's public  
17 school teachers. The facility has exceeded its useful life with no major renovations since it was  
18 constructed in 1969. The renovation will allow the Feinstein School of Education and Human  
19 Development to ensure its curriculum and programming are among the best in the nation and create  
20 a top learning environment for students.

21 Question 3, relating to bonds in the amount of exceed forty-seven million three hundred  
22 thousand dollars (\$47,300,000) for environmental and recreational purposes, to be allocated as  
23 follows:

24 (a) Coastal Resiliency and Public Access Projects \$5,000,000

25 Provides five million dollars (\$5,000,000) for up to seventy-five percent (75%) matching  
26 grants to public and non-profit entities for restoring and/or improving resiliency of vulnerable  
27 coastal habitats, and restoring rivers and stream floodplains.

28 (b) Capital for Clean Water and Drinking Water \$7,900,000

29 Provides seven million nine hundred thousand dollars (\$7,900,000) for clean water and  
30 drinking water infrastructure improvements such as from wastewater treatment upgrades and storm  
31 water quality improvements to combined sewer overflow abatement projects.

32 (c) Wastewater Treatment Facility Resilience Improvements \$5,000,000

33 Provides five million dollars (\$5,000,000) for up to fifty percent (50%) matching grants  
34 for wastewater treatment facility resiliency improvements for facilities vulnerable to increased

1 flooding, major storm events, and environmental degradation.

2 (d) Dam Safety \$4,400,000

3 Provides four million four hundred thousand dollars (\$4,400,000) for repairing and/or

4 removing State-owned dams.

5 (e) Dredging - Downtown Providence Rivers \$7,000,000

6 Provides seven million dollars (\$7,000,000) for the state to obtain additional dredging

7 analysis and the dredging of the Downtown Providence Rivers from: The Woonasquatucket River

8 from I-95 north of Providence Place Mall to its confluence with the Providence River; the

9 Moshassuck River from Smith Street to its confluence with the Providence River; and the

10 Providence River from Steeple Street to Point Street; and dredging a sediment basin upstream of

11 the Providence Place Mall and I-95 for approximately six hundred feet (600').

12 (f) State Bikeway Development Program \$5,000,000

13 Provides five million dollars (\$5,000,000) for the State to design, repair, and construct

14 bikeways, including the East Bay bike path.

15 (g) Brownfield Remediation and Economic Development \$4,000,000

16 Provides four million dollars (\$4,000,000) for up to eighty percent (80%) matching grants

17 to public, private, and/or non-profit entities for brownfield remediation projects.

18 (h) Local Recreation Projects \$5,000,000

19 Provides five million dollars (\$5,000,000) for up to eighty percent (80%) matching grants

20 for municipalities to acquire, develop, or rehabilitate local recreational facilities to meet the

21 growing needs for active recreational facilities.

22 (i) Access to Farmland \$2,000,000

23 Provides two million dollars (\$2,000,000) to protect the State's working farms through the

24 State Farmland Access Program and the purchase of Development Rights by the Agricultural Lands

25 Preservation Commission

26 (j) Local Open Space \$2,000,000

27 Provides two million dollars (\$2,000,000) for up to fifty percent (50%) matching grants to

28 municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest,

29 development rights, or conservation easements on open space and urban parklands.

30 SECTION 7. Sale of bonds and notes. -- Any bonds or notes issued under the authority

31 of this Act shall be sold at not less than the principal amount thereof, in such mode and on such

32 terms and conditions as the General Treasurer, with the approval of the Governor, shall deem to be

33 in the best interests of the State.

34 Any premiums and accrued interest, net of the cost of bond insurance and underwriter's

1 discount, which may be received on the sale of the capital development bonds or notes shall become  
2 part of the Municipal Road and Bridge Revolving Fund of the State, unless directed by federal law  
3 or regulation to be used for some other purpose.

4 In the event that the amount received from the sale of the capital development bonds or  
5 notes exceeds the amount necessary for the purposes stated in Section 6 hereof, the surplus may be  
6 used to the extent possible to retire the bonds as the same may become due, to redeem them in  
7 accordance with the terms thereof or otherwise to purchase them as the General Treasurer, with the  
8 approval of the Governor, shall deem to be in the best interests of the state.

9 Any bonds or notes issued under the provisions of this Act and coupons on any capital  
10 development bonds, if properly executed by the manual or electronic signatures of officers of the  
11 State in office on the date of execution, shall be valid and binding according to their tenor,  
12 notwithstanding that before the delivery thereof and payment therefor, any or all such officers shall  
13 for any reason have ceased to hold office.

14 SECTION 8. Bonds and notes to be tax exempt and general obligations of the State. -  
15 - All bonds and notes issued under the authority of this Act shall be exempt from taxation in the  
16 State and shall be general obligations of the State, and the full faith and credit of the State is hereby  
17 pledged for the due payment of the principal and interest on each of such bonds and notes as the  
18 same shall become due.

19 SECTION 9. Investment of moneys in fund. -- All moneys in the capital development  
20 fund not immediately required for payment pursuant to the provisions of this act may be invested  
21 by the investment commission, as established by Chapter 10 of Title 35, entitled "State Investment  
22 Commission," pursuant to the provisions of such chapter; provided, however, that the securities in  
23 which the capital development fund is invested shall remain a part of the capital development fund  
24 until exchanged for other securities; and provided further, that the income from investments of the  
25 capital development fund shall become a part of the general fund of the State and shall be applied  
26 to the payment of debt service charges of the State, unless directed by federal law or regulation to  
27 be used for some other purpose, or to the extent necessary, to rebate to the United States treasury  
28 any income from investments (including gains from the disposition of investments) of proceeds of  
29 bonds or notes to the extent deemed necessary to exempt (in whole or in part) the interest paid on  
30 such bonds or notes from federal income taxation.

31 SECTION 10. Appropriation. -- To the extent the debt service on these bonds is not  
32 otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and  
33 notes hereunder is hereby annually appropriated out of any money in the treasury not otherwise  
34 appropriated.

1           SECTION 11. Advances from general fund. -- The General Treasurer is authorized, with  
2 the approval of the Director and the Governor, in anticipation of the issue of notes or bonds under  
3 the authority of this Act, to advance to the capital development bond fund for the purposes specified  
4 in Section 6 hereof, any funds of the State not specifically held for any particular purpose; provided,  
5 however, that all advances made to the capital development bond fund shall be returned to the  
6 general fund from the capital development bond fund forthwith upon the receipt by the capital  
7 development fund of proceeds resulting from the issue of notes or bonds to the extent of such  
8 advances.

9           SECTION 12. Federal assistance and private funds. -- In carrying out this act, the  
10 Director, or his or her designee, is authorized on behalf of the State, with the approval of the  
11 Governor, to apply for and accept any federal assistance which may become available for the  
12 purpose of this Act, whether in the form of loan or grant or otherwise, to accept the provision of  
13 any federal legislation therefor, to enter into, act and carry out contracts in connection therewith,  
14 to act as agent for the federal government in connection therewith, or to designate a subordinate so  
15 to act. Where federal assistance is made available, the project shall be carried out in accordance  
16 with applicable federal law, the rules and regulations thereunder and the contract or contracts  
17 providing for federal assistance, notwithstanding any contrary provisions of State law. Subject to  
18 the foregoing, any federal funds received for the purposes of this Act shall be deposited in the  
19 capital development bond fund and expended as a part thereof. The Director or his or her designee  
20 may also utilize any private funds that may be made available for the purposes of this Act.

21           SECTION 13. Effective Date. -- Sections 1, 2, 3, 11 and 12 of this article shall take effect  
22 upon passage. The remaining sections of this article shall take effect when and if the State Board  
23 of Elections shall certify to the Secretary of State that a majority of the qualified electors voting on  
24 the proposition contained in Section 1 hereof have indicated their approval of all or any projects  
25 thereunder.

26

1 **ARTICLE 6**

2 RELATING TO THE RHODE ISLAND PUBLIC RAIL CORPORATION

3 SECTION 1. *Rhode Island Public Rail Corporation*. Section 4 of Article 6 of Chapter 023  
4 of the 2010 Public Laws is hereby amended to read as follows:

5 WHEREAS, The State of Rhode Island and Providence Plantations (the "state") has  
6 delegated to the Rhode Island department of transportation (the "department") the responsibility  
7 for ~~maintaining and constructing highways, roads, freeways, bridges and incidental structures~~  
8 preparing project plans and implementation programs for transportation and for maintaining an  
9 adequate level of rail passenger and freight services as established by chapter 8 of title 24, chapter  
10 5 of title 37 and chapter 13 of title 42 of the Rhode Island general laws; and

11 WHEREAS, The National Railroad Passenger Corporation ("Amtrak") owns the railroad  
12 right-of-way along the Northeast Corridor throughout the state; and

13 WHEREAS, The department seeks to enhance commuter rail service north from the  
14 Amtrak Providence Station in Providence, Rhode Island with stops at the proposed  
15 Pawtucket/Central Falls Station (the "Pawtucket/Central Falls Station") (together with other  
16 commuter rail service in the State, the "Commuter Rail Service"); and

17 WHEREAS, Amtrak requires the department to provide certain risk-management and  
18 financial assurances and indemnification covenants and obligations as a condition precedent to that  
19 certain Access Agreement (the "Access Agreement"), entered into by and between the department  
20 and Amtrak, that certain Assignment and Assumption Agreement entered into or to be entered into  
21 for the benefit of Amtrak by and between the department and the Rhode Island Public Rail  
22 Corporation ("Rail Corp"), a public instrumentality of the state established by section 42-64.2 et  
23 seq. of the general laws of Rhode Island (the "Act"), that certain Master Force Account Agreement  
24 for improvements in the area of the Pawtucket/Central Falls Station entered into or to be entered  
25 into by and among Amtrak, the department and Rail Corp, that certain Temporary Easement  
26 Agreement entered into or to be entered into by and among Amtrak, the department and Rail Corp,  
27 that certain Permanent Easement Agreement entered into or to be entered into by and among  
28 Amtrak, the department and Rail Corp and that certain Lease Agreement entered into or to be  
29 entered into by and among Amtrak, the department and Rail Corp relating to the Pawtucket/Central  
30 Falls Station (collectively, the "Commuter Rail Service Agreements"); and

1           WHEREAS, The above-referenced assurances and indemnification covenants and  
2 obligations include, without limitation, that:

3           (1) The department secure and maintain a liability insurance policy covering the liability of  
4 the state and Amtrak for property damage, personal injury, bodily injury and death arising out of  
5 the Commuter Rail Service, with policy limits of two hundred ninety-five million United States  
6 dollars (\$295,000,000), naming the department, Rail Corp, Amtrak and Massachusetts Bay  
7 Transportation Authority (the "MBTA") as primary insureds, all subject to a self-insurance  
8 retention of up to seven million five hundred thousand United States dollars (\$7,500,000) (the  
9 "Retention");

10           (2) The department defend, indemnify and save harmless Amtrak and third parties to the  
11 extent that Amtrak is obligated to defend, indemnify or save harmless such third parties,  
12 irrespective of negligence or fault of Amtrak or such third parties, for all damage or liability for  
13 personal injury or property damage which would not have occurred or would not have been incurred  
14 but for the existence of the Commuter Rail Service or the presence on the Northeast Properties (as  
15 such term is defined in the Access Agreement) of any trains, passengers, employees, contractors,  
16 or invitees of the state or the state's designated operator;

17           (3) Rail Corp defend, indemnify and save harmless Amtrak and third parties to the extent  
18 that Amtrak is obligated to defend, indemnify or save harmless such third parties, irrespective of  
19 negligence or fault of Amtrak or such third parties, for all damage or liability for personal injury or  
20 property damage which would not have occurred but for the improvements undertaken pursuant to  
21 the Master Force Account Agreement, the Temporary Easement Agreements and Permanent  
22 Easement Agreement with respect to the Pawtucket/Central Falls Station; and

23           (4) The department defend, indemnify and save harmless the MBTA for all damage or  
24 liability for personal injury or property damages which would not have occurred or would not have  
25 been incurred but for the MBTA's activities as the designated operator under the Access Agreement  
26 except for damages or liability attributable directly to the MBTA's own negligence or misconduct;  
27 and

28           WHEREAS, In connection with certain existing agreements between the department and  
29 Amtrak, the state has agreed from time to time to indemnify Amtrak and third-parties to the extent  
30 that Amtrak is required to indemnify third-parties (the "prior indemnities"); and

31           WHEREAS, In connection with future agreements relating to the construction or  
32 reconstruction ~~to roads and bridges~~ of the Pawtucket/Central Falls Station described above, the  
33 state and the department will be required to provide similar indemnities to Amtrak and third-parties  
34 to the extent that Amtrak is required to indemnify third-parties ("future indemnities"); and

1           WHEREAS, The ~~State~~ state and the department may be themselves constitutionally  
2 prohibited from providing such prior indemnities and future indemnities, which may negatively  
3 impact commuter transit in Rhode Island, and the department therefore has designated the ~~Rhode~~  
4 ~~Island Public Rail Corporation ("Rail Corp"), a public instrumentality of the state established by~~  
5 ~~chapter 42-64.2 et seq. of the general laws of Rhode Island (the "act")~~ Rail Corp as the responsible  
6 party for providing Amtrak with such indemnities; and

7           WHEREAS, Pursuant to the ~~act~~ Act, Rail Corp is authorized, created and established for  
8 the purpose of enhancing and preserving the viability of commuter transit and railroad freight  
9 operations in Rhode Island and has the power to make contracts and guarantees and incur liabilities,  
10 borrow money at any rates of interest that it may determine, and to make and execute any other  
11 contracts and instruments necessary or convenient in the exercise of the powers, purposes and  
12 functions of the act; and

13           WHEREAS, In connection with ~~the extension of commuter rail service~~ Commuter Rail  
14 Service from Providence, Rhode Island to North Kingstown, Rhode Island, as provided in the South  
15 County Commuter Rail Service Agreements, described in article 17, section 8 of chapter 68 of the  
16 public laws of 2009, and in article 6, section 4 of chapter 23 of the public laws of 2010, Rail Corp  
17 has been designated as the entity responsible for securing and maintaining a liability insurance  
18 policy to provide funds to pay all or a portion of the liabilities of the state and Amtrak for property  
19 damage, personal injury, bodily injury and death arising out of the ~~South County~~ Commuter Rail  
20 Service (the "~~South County~~ Commuter Rail Service insurance policy"), with policy limits of two  
21 hundred million United States dollars (\$200,000,000), subject to a self-insured retention of seven  
22 million five hundred thousand United States dollars (\$7,500,000) (the "retention"); and

23           WHEREAS, Under article 17, section 8 of chapter 68 of the public laws of 2009, under  
24 article 6, section 4 of chapter 23 of the public laws of 2010 and pursuant to chapter 18 of title 35  
25 of the Rhode Island general laws, the general assembly authorized Rail Corp to secure and maintain  
26 a line or evergreen letter of credit in the amount of seven million five hundred thousand United  
27 States dollars (\$7,500,000) issued by a bank authorized to do business in Rhode Island with a  
28 surplus of not less than one hundred million United States dollars (\$100,000,000) in favor of  
29 Amtrak to secure Rail Corp's performance of indemnities under the ~~South County~~ Commuter Rail  
30 Service Agreements, and specifically the payment of any amounts arising from time to time under  
31 the retention, and for the payment of any costs and fees reasonably incurred in connection with  
32 securing and maintaining such line or evergreen letter of credit; and

33           WHEREAS, Amtrak has agreed to accept a liability insurance policy with limits of ~~two~~  
34 ~~hundred million~~ two hundred ninety-five million United States dollars ~~(\$200,000,000)~~

1 [\(\\$295,000,000\)](#), towards liabilities and a line or evergreen letter of credit established in the amount  
2 of up to seven million five hundred thousand United States dollars (\$7,500,000) issued by a bank  
3 authorized to do business in Rhode Island with a surplus of not less than one hundred million United  
4 States dollars (\$100,000,000) in favor of Amtrak to secure the prior indemnities and the future  
5 indemnities or, in the alternative, to accept expansion of the scope of Rail Corp's ~~South County~~  
6 Commuter Rail Service insurance policy and line or evergreen letter of credit to include the prior  
7 indemnities and the future indemnities; and

8 WHEREAS, The department further covenants and affirms on behalf of the state to support  
9 Rail Corp and to include such financial support in the governor's printed budget submitted to the  
10 general assembly each year; and

11 WHEREAS, The requirements undertaken by the department on behalf of the state and  
12 Rail Corp as outlined herein to provide the prior indemnities and the future indemnities, and the  
13 approval and authority for Rail Corp to obtain and maintain a line or evergreen letter of credit to  
14 secure the prior indemnities and the future indemnities or to amend the line or evergreen letter of  
15 credit relating to the ~~South County~~ Commuter Rail Service ~~Indemnities~~ [Agreements](#) to secure the  
16 prior indemnities and the future indemnities are subject to chapter 18 of title 35 of the Rhode Island  
17 general laws; and

18 WHEREAS, Pursuant to sections 35-18-3 and 35-18-4 of the Rhode Island general laws,  
19 Rail Corp has requested the approval and authority of the general assembly to provide for the prior  
20 indemnities and the future indemnities, which may include securing and maintaining a new  
21 insurance policy and line or letter of credit to secure the prior indemnities and future indemnities,  
22 or in the alternative, to amend or replace the ~~South County~~ Commuter Rail Service insurance policy  
23 and line or letter of credit in order that they may also secure the prior indemnities and the future  
24 indemnities; now, therefore be it

25 RESOLVED, That the general assembly hereby approves and authorizes Rail Corp to  
26 provide, and hereby approves and authorizes the department's support of Rail Corp and the use by  
27 Rail Corp of the department's funding to provide, for the prior indemnities and the future  
28 indemnities, which may include securing and maintaining an insurance policy with limits of ~~two~~  
29 ~~hundred million~~ [two hundred ninety-five million](#) United States dollars ~~(\$200,000,000)~~  
30 [\(\\$295,000,000\)](#), which shall provide funds to pay all or a portion of the liabilities and a line or  
31 evergreen letter of credit in the amount of [up to](#) seven million five hundred thousand United States  
32 dollars (\$7,500,000) issued by a bank authorized to do business in Rhode Island with a surplus of  
33 not less than one hundred million United States dollars (\$100,000,000) to secure all or a portion of  
34 the prior indemnities and the future indemnities or, in the alternative, to amend the ~~South County~~

1 Commuter Rail Service insurance policy and line or evergreen letter of credit to secure Rail Corp's  
2 performance of the prior indemnities and the future indemnities in favor of ~~the National Railroad~~  
3 ~~Passenger Corporation (Amtrak)~~ Amtrak and third-parties to the extent that Amtrak is required to  
4 indemnify and defend third-parties for all claims, damages, losses, liabilities and expenses for  
5 personal injury, bodily injury, death, or property damage (including, but not limited to,  
6 environmental conditions and preexisting environmental conditions) and interference with the use  
7 of Amtrak's property, which would not have occurred, would not have been discovered, or would  
8 not have been incurred but for the existence of any platform, structure, building, road, ~~or~~ bridge or  
9 appurtenance ~~thereto~~ to any of the foregoing, located or to be located on, above, under or within  
10 the boundary of any property owned or controlled by Amtrak, or within the boundary of any  
11 railroad safety envelope established pursuant to a federal program or safety regulations, and owned  
12 or used by the State of Rhode Island, or any municipality, public corporation, or instrumentality of  
13 the State of Rhode Island, or but for the activities of any employee, agent, contractor, subcontractor  
14 or invitee of the state or any municipality, public corporation, or instrumentality of the state,  
15 relating to any platform, structure, building, road, bridge, or appurtenance, ~~thereto located~~ to any  
16 of the foregoing located or to be located on, above, under or within the boundary of any property  
17 owned or controlled by Amtrak or within the boundary of any railroad safety envelope established  
18 pursuant to a federal program or safety regulations, which obligations of the department include,  
19 but are not limited to, the payment of any amounts arising from time to time under the retention,  
20 the payment of claims, damages, losses, liabilities and expenses, and the payment of any costs and  
21 fees reasonably incurred in connection with obtaining such insurance policy and line or evergreen  
22 letter of credit or amending or replacing the ~~South County~~ Commuter Rail Service insurance policy  
23 and line of evergreen letter of credit and to secure Rail Corp's performance of the prior indemnities  
24 and future indemnities as may be authorized under the Act, as the same may be amended from time  
25 to time.

26 SECTION 2. This article shall take effect upon passage.  
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**ARTICLE 7 AS AMENDED**

RELATING TO FEES

SECTION 1. Section 7-11-307 of the General Laws in Chapter 7-11 entitled “Rhode Island Uniform Securities Act” is hereby amended as follows:

**7-11-307. Federal covered securities.**

(a) The director may require by rule or order the filing of any or all of the following documents with respect to a covered security under § 18(b)(2) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(2):

(1) Prior to the initial offer of a federal covered security in this state, all documents that are part of a current federal registration statement filed with the U.S. Securities and Exchange Commission under the Securities Act of 1933, 15 U.S.C. § 77a et seq., or, in lieu of filing the registration statement, a notice as prescribed by the director by rule or otherwise, together with a consent to service of process signed by the issuer and with a nonrefundable fee of one-tenth of one percent (0.1%) of the maximum aggregate offering price at which the federal covered securities are to be offered in this state, but not less than three hundred dollars (\$300) or more than ~~one thousand dollars (\$1,000)~~ one thousand seven hundred fifty dollars (\$1,750).

(2) An open end management company, a face amount certificate company, or a unit investment trust, as defined in the Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq., ~~may~~ shall file a notice for an indefinite amount of securities. The issuer, at the time of filing, shall pay a nonrefundable fee of ~~one thousand dollars (\$1,000)~~ one thousand seven hundred fifty dollars (\$1,750).

(3) After the initial offer of the federal covered security in this state, all documents that are part of an amendment to a current federal registration statement filed with the U.S. Securities and Exchange Commission under the Securities Act of 1933, are filed concurrently with the director.

(4) Unless otherwise extended by the director, an initial notice filing under this subsection or subsection (b) is effective for one year commencing upon the date the notice or registration statement, as applicable, is received by the director unless a later date is indicated by the issuer. A notice filing may be renewed by filing a renewal notice as prescribed by the director and paying a renewal fee of ~~one thousand dollars (\$1,000)~~ one thousand seven hundred fifty dollars (\$1,750).

(b) Regarding any security that is a covered security under § 18(b)(3) of the Securities Act

1 of 1933, unless the security is exempted by § 7-11-401 or is sold in an exempt transaction under §  
2 7-11-402, the issuer shall file a notice prior to the initial offer of such security in this state. Such  
3 notice filing shall include a uniform application adopted by the director, a consent to service of  
4 process, and the payment of a nonrefundable fee as prescribed in a subsection (a)(1) of this section.

5 ~~(b)~~(c) Regarding any security that is a covered security under § 18(b)(4)(D) of the  
6 Securities Act of 1933, 15 U.S.C. § 77r(b)(4)(D), the director may by rule or otherwise require the  
7 issuer to file a notice on SEC Form D and a consent to service of process signed by the issuer no  
8 later than fifteen (15) days after the first sale of the federal covered security in this state, together  
9 with Form U-2, Form D and a nonrefundable fee of three hundred dollars (\$300).

10 ~~(c)~~(d) The director may by rule or otherwise require the filing of any document filed with  
11 the U.S. Securities and Exchange Commission under the Securities Act of 1933, 15 U.S.C. § 77a  
12 et seq., with respect to a covered security under § 18(b)(3) or (4) of the Securities Act of 1933, 15  
13 U.S.C. § 77r(b)(3) or (4), together with a notice and fees as defined in subparagraph (a)(1).

14 ~~(d)~~(e) The director may issue a stop order suspending the offer and sale of a federal covered  
15 security, except a covered security under § 18(b)(1) of the Securities Act of 1933, 15 U.S.C. §  
16 77r(b)(1), if the director finds that (1) the order is in the public interest and (2) there is a failure to  
17 comply with any condition established under this section.

18 ~~(e) Notwithstanding the provisions of this section, until October 11, 1999, the director may~~  
19 ~~require the registration of any federal covered security for which the fees required by this section~~  
20 ~~have not been paid promptly following written notification from the director to the issuer of the~~  
21 ~~nonpayment or underpayment of the fees. An issuer is considered to have promptly paid the fees if~~  
22 ~~they are remitted to the director within fifteen (15) days following the person's receipt of written~~  
23 ~~notification from the director.~~

24 (f) The director may by rule or order waive any or all of the provisions of this section.

25 SECTION 2. Section 23-17-38.1 of the General Laws in Chapter 23-17 entitled "Licensing  
26 of Health-Care Facilities" is hereby amended to read as follows:

27 **23-17-38.1. Hospitals – Licensing fee.**

28 ~~(a) There is also imposed a hospital licensing fee at the rate of five and six hundred fifty-~~  
29 ~~two thousandths percent (5.652%) upon the net patient services revenue of every hospital for the~~  
30 ~~hospital's first fiscal year ending on or after January 1, 2015, except that the license fee for all~~  
31 ~~hospitals located in Washington County, Rhode Island shall be discounted by thirty seven percent~~  
32 ~~(37%). The discount for Washington County hospitals is subject to approval by the Secretary of the~~  
33 ~~U.S. Department of Health and Human Services of a state plan amendment submitted by the~~  
34 ~~executive office of health and human services for the purpose of pursuing a waiver of the uniformity~~

1 ~~requirement for the hospital license fee. This licensing fee shall be administered and collected by~~  
2 ~~the tax administrator, division of taxation within the department of revenue, and all the~~  
3 ~~administration, collection, and other provisions of chapter 51 of title 44 shall apply. Every hospital~~  
4 ~~shall pay the licensing fee to the tax administrator on or before July 10, 2017, and payments shall~~  
5 ~~be made by electronic transfer of monies to the general treasurer and deposited to the general fund.~~  
6 ~~Every hospital shall, on or before June 14, 2017, make a return to the tax administrator containing~~  
7 ~~the correct computation of net patient-services revenue for the hospital fiscal year ending~~  
8 ~~September 30, 2015, and the licensing fee due upon that amount. All returns shall be signed by the~~  
9 ~~hospital's authorized representative, subject to the pains and penalties of perjury.~~

10 ~~(b)(a)~~ There is also imposed a hospital licensing fee at the rate of five and eight hundred  
11 fifty-six thousandths percent (5.856%) upon the net patient-services revenue of every hospital for  
12 the hospital's first fiscal year ending on or after January 1, 2016, except that the license fee for all  
13 hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent  
14 (37%). The discount for Washington County hospitals is subject to approval by the Secretary of the  
15 U.S. Department of Health and Human Services of a state plan amendment submitted by the  
16 executive office of health and human services for the purpose of pursuing a waiver of the uniformity  
17 requirement for the hospital license fee. This licensing fee shall be administered and collected by  
18 the tax administrator, division of taxation within the department of revenue, and all the  
19 administration, collection, and other provisions of chapter 51 of title 44 shall apply. Every hospital  
20 shall pay the licensing fee to the tax administrator on or before July 10, 2018, and payments shall  
21 be made by electronic transfer of monies to the general treasurer and deposited to the general fund.  
22 Every hospital shall, on or before June 14, 2018, make a return to the tax administrator containing  
23 the correct computation of net patient-services revenue for the hospital fiscal year ending  
24 September 30, 2016, and the licensing fee due upon that amount. All returns shall be signed by the  
25 hospital's authorized representative, subject to the pains and penalties of perjury.

26 (b) There is also imposed a hospital licensing fee at the rate of six percent (6%) upon the  
27 net patient-services revenue of every hospital for the hospital's first fiscal year ending on or after  
28 January 1, 2017, except that the license fee for all hospitals located in Washington County, Rhode  
29 Island shall be discounted by thirty-seven percent (37%). The discount for Washington County  
30 hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human  
31 Services of a state plan amendment submitted by the executive office of health and human services  
32 for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This  
33 licensing fee shall be administered and collected by the tax administrator, division of taxation  
34 within the department of revenue, and all the administration, collection, and other provisions of

1 chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator  
2 on or before July 10, 2019, and payments shall be made by electronic transfer of monies to the  
3 general treasurer and deposited to the general fund. Every hospital shall, on or before June 14,  
4 2019, make a return to the tax administrator containing the correct computation of net patient-  
5 services revenue for the hospital fiscal year ending September 30, 2017, and the licensing fee due  
6 upon that amount. All returns shall be signed by the hospital's authorized representative, subject to  
7 the pains and penalties of perjury.

8 (c) For purposes of this section the following words and phrases have the following  
9 meanings:

10 (1) "Hospital" means the actual facilities and buildings in existence in Rhode Island,  
11 licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on  
12 that license, regardless of changes in licensure status pursuant to chapter 17.14 of title 23 (hospital  
13 conversions) and §23-17-6(b) (change in effective control), that provides short-term acute inpatient  
14 and/or outpatient care to persons who require definitive diagnosis and treatment for injury, illness,  
15 disabilities, or pregnancy. Notwithstanding the preceding language, the negotiated Medicaid  
16 managed care payment rates for a court-approved purchaser that acquires a hospital through  
17 receivership, special mastership, or other similar state insolvency proceedings (which court-  
18 approved purchaser is issued a hospital license after January 1, 2013) shall be based upon the newly  
19 negotiated rates between the court-approved purchaser and the health plan, and such rates shall be  
20 effective as of the date that the court-approved purchaser and the health plan execute the initial  
21 agreement containing the newly negotiated rate. The rate-setting methodology for inpatient hospital  
22 payments and outpatient hospital payments set forth in §§ 40-8-13.4(b)(1)(B)(iii) and 40-8-  
23 13.4(b)(2), respectively, shall thereafter apply to negotiated increases for each annual twelve-month  
24 (12) period as of July 1 following the completion of the first full year of the court-approved  
25 purchaser's initial Medicaid managed care contract.

26 (2) "Gross patient-services revenue" means the gross revenue related to patient care  
27 services.

28 (3) "Net patient-services revenue" means the charges related to patient care services less  
29 (i) charges attributable to charity care; (ii) bad debt expenses; and (iii) contractual allowances.

30 (d) The tax administrator shall make and promulgate any rules, regulations, and procedures  
31 not inconsistent with state law and fiscal procedures that he or she deems necessary for the proper  
32 administration of this section and to carry out the provisions, policy, and purposes of this section.

33 (e) The licensing fee imposed by this section shall apply to hospitals as defined herein that  
34 are duly licensed on July 1, ~~2017~~ 2018, and shall be in addition to the inspection fee imposed by §

1 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-38.1.

2 SECTION 3. Section 27-10-3 of the General Laws in Chapter 27-10 entitled "Claim  
3 Adjusters" is hereby amended to read as follows:

4 **27-10-3. Issuance of license.**

5 (a) The insurance commissioner may issue to any person a license to act as either a public  
6 adjuster; company adjuster; or independent adjuster once that person files an application in a format  
7 prescribed by the department and declares under penalty of suspension, revocation, or refusal of  
8 the license that the statements made in the application are true, correct, and complete to the best of  
9 the individual's knowledge and belief. Before approving the application, the department shall find  
10 that the individual:

11 (1) Is at least eighteen (18) years of age;

12 (2) Is eligible to designate this state as his or her home state;

13 (3) Is trustworthy, reliable, and of good reputation, evidence of which shall be determined  
14 by the department;

15 (4) Has not committed any act that is a ground for probation, suspension, revocation, or  
16 refusal of a professional license as set forth in § 27-10-12;

17 (5) Has successfully passed the examination for the line(s) of authority for which the person  
18 has applied;

19 (6) Has paid a fee of ~~one hundred and fifty dollars (\$150)~~ two hundred fifty dollars (\$250).

20 (b) A Rhode Island resident business entity acting as an insurance adjuster may elect to  
21 obtain an insurance adjusters license. Application shall be made using the uniform business entity  
22 application. Prior to approving the application, the insurance commissioner shall find both of the  
23 following:

24 (1) The business entity has paid the appropriate fees.

25 (2) The business entity has designated a licensed adjuster responsible for the business  
26 entity's compliance with the insurance laws and rules of this state.

27 (c) The department may require any documents reasonably necessary to verify the  
28 information contained in the application.

29 SECTION 4. Section 23-3-25 of the General Laws in Chapter 23-3 entitled "Vital Records"  
30 is hereby amended to read as follows:

31 **23-3-25. Fees for copies and searches.**

32 (a) The state registrar shall charge fees for searches and copies as follows:

33 (1) For a search of two (2) consecutive calendar years under one name and for issuance of  
34 a certified copy of a certificate of birth, fetal death, death, or marriage, or a certification of birth, or

1 a certification that the record cannot be found, and each duplicate copy of a certificate or  
2 certification issued at the same time, the fee is as set forth in § 23-1-54.

3 (2) For each additional calendar year search, if applied for at the same time or within three  
4 (3) months of the original request and if proof of payment for the basic search is submitted, the fee  
5 is as set forth in § 23-1-54.

6 (3) For providing expedited service, the additional handling fee is as set forth in § 23-1-54.

7 (4) For processing of adoptions, legitimations, or paternity determinations as specified in  
8 §§ 23-3-14 and 23-3-15, there shall be a fee as set forth in § 23-1-54.

9 (5) For making authorized corrections, alterations, and additions, the fee is as set forth in  
10 § 23-1-54; provided, no fee shall be collected for making authorized corrections or alterations and  
11 additions on records filed before one year of the date on which the event recorded has occurred.

12 (6) For examination of documentary proof and the filing of a delayed record, there is a fee  
13 as set forth in § 23-1-54; and there is an additional fee as set forth in § 23-1-54 for the issuance of  
14 a certified copy of a delayed record.

15 (b) Fees collected under this section by the state registrar shall be deposited in the general  
16 fund of this state, according to the procedures established by the state treasurer.

17 (c) The local registrar shall charge fees for searches and copies of records as follows:

18 (1) For a search of two (2) consecutive calendar years under one name and for issuance of  
19 a certified copy of a certificate of birth, fetal death, death, delayed birth, or marriage, or a  
20 certification of birth or a certification that the record cannot be found, the fee is twenty dollars  
21 (\$20.00). For each duplicate copy of a certificate or certification issued at the same time, the fee is  
22 fifteen dollars (\$15.00).

23 (2) For each additional calendar year search, if applied for at the same time or within three  
24 (3) months of the original request and if proof of payment for the basic search is submitted, the fee  
25 is two dollars (\$2.00).

26 (d) Fees collected under this section by the local registrar shall be deposited in the city or  
27 town treasury according to the procedures established by the city or town treasurer except that six  
28 dollars (\$6.00) of the certified copy fees shall be submitted to the state registrar for deposit in the  
29 general fund of this state.

30 (e) To acquire, maintain and operate an Electronic Statewide Registration System (ESRS),  
31 the state registrar shall assess a surcharge of no more than five dollars (\$5.00) for a mail-in certified  
32 records request, no more than three dollars (\$3.00) for each duplicate certified record and no more  
33 than two dollars (\$2.00) for a walk-in certified records request or a certified copy of a vital record  
34 requested for a local registrar. Notwithstanding the provisions of § 23-3-25 (d) of the general laws

1 [of Rhode Island, any such surcharges collected by the local registrar shall be submitted to the state](#)  
2 [registrar. Any funds collected from the surcharges listed above shall be deposited into the](#)  
3 [Information Technology Investment Fund \(ITIF\).](#)

4 SECTION 5. Section 21-9-3 of the General Laws in Chapter 21-9 entitled "Frozen  
5 Desserts" is hereby amended to read as follows:

6 **21-9-3. License fee.**

7 [\(a\)](#) The annual fees for the following licenses shall be as set forth in § 23-1-54:

- 8 (1) Instate wholesale frozen dessert processors;
- 9 (2) Out of state wholesale frozen dessert processors; and
- 10 (3) Retail frozen dessert processors.

11 [\(b\) Where a retail frozen dessert processor is also registered as a food service establishment](#)  
12 [under § 21-27-10 within a single location, the business shall not be required to pay more than one](#)  
13 [single fee for the highest classified activity listed in § 21-27-10\(e\) or subsection \(a\) of this section.](#)

14 SECTION 6. Section 21-27-11.5 of the General Laws in Chapter 21-27 entitled "Sanitation  
15 in Food Establishments" is hereby amended to read as follows:

16 **21-27-11.5. Recertification -- Renewal.**

17 Every holder of a certificate issued pursuant to these sections shall ~~triennially~~, [every five](#)  
18 [\(5\) years](#), present evidence to the division of continued eligibility as established by regulations. All  
19 certificates issued pursuant to these sections shall expire ~~triennially~~ [every five \(5\) years](#) on a date  
20 as established in the rules and regulations unless sooner suspended or revoked. Application for  
21 certification renewal shall be made as described in the rules and regulations. A ~~triennial~~-renewal  
22 fee shall be required [every five \(5\) years](#). Managers of municipal or state food establishments shall  
23 be exempt from payment of the fee set forth in this section.

24 SECTION 7. Section 23-1-54 of the General Laws in Chapter 23-1 entitled "Department  
25 of Health" is hereby amended to read as follows:

26 **23-1-54. Fees payable to the department of health.**

27 Fees payable to the department shall be as follows:

| PROFESSION           | RIGL Section | Description of Fee          | FEE      |
|----------------------|--------------|-----------------------------|----------|
| Barbers/hairdressers | 5-10-10(a)   | Renewal application         | \$25.00  |
| Barbers/hairdressers | 5-10-10(a)   | Renewal application:        |          |
| Manicuring           |              | Instructors and manicurists | \$25.00  |
| Barbers/hairdressers | 5-10-10(b)   | Minimum late renewal fee    | \$25.00  |
| Barbers/hairdressers | 5-10-10(b)   | Maximum late renewal fee    | \$100.00 |
| Barbers/hairdressers | 5-10-11[c]   | Application fee             | \$25.00  |

|    |                                 |                       |  |                    |
|----|---------------------------------|-----------------------|--|--------------------|
| 1  | Barbers/hairdressers            | 5-10-11[c]            | Application fee: manicuring                    |                    |
| 2  |                                 |                       | Instructors and manicurists                    | \$25.00            |
| 3  | Barbers/hairdressers            | 5-10-13               | Demonstrator's permit                          | \$90.00            |
| 4  | Barbers/hairdressers            | 5-10-15               | Shop license: initial                          | \$170.00           |
| 5  | Barbers/hairdressers            | 5-10-15               | Shop license: renewal                          | \$170.00           |
| 6  | <del>Barbers/hairdressers</del> | <del>5-10-15(b)</del> | <del>Initial: per licensed chair/station</del> | <del>\$50.00</del> |
| 7  | Veterinarians                   | 5-25-10               | Application fee                                | \$40.00            |
| 8  | Veterinarians                   | 5-25-11               | Examination fee                                | \$540.00           |
| 9  | Veterinarians                   | 5-25-12(a)            | Renewal fee                                    | \$580.00           |
| 10 | Veterinarians                   | 5-25-12[c]            | Late renewal fee                               | \$120.00           |
| 11 | Podiatrists                     | 5-29-7                | Application fee                                | \$240.00           |
| 12 | Podiatrists                     | 5-29-11               | Renewal fee: minimum                           | \$240.00           |
| 13 | Podiatrists                     | 5-29-11               | Renewal fee: maximum                           | \$540.00           |
| 14 | Podiatrists                     | 5-29-13               | Limited registration                           | \$65.00            |
| 15 | Podiatrists                     | 5-29-14               | Limited registration:                          |                    |
| 16 |                                 |                       | Academic faculty                               | \$240.00           |
| 17 | Podiatrists                     | 5-29-14               | Application fee:                               |                    |
| 18 |                                 |                       | Renewal minimum                                | \$240.00           |
| 19 | Podiatrists                     | 5-29-14               | Application fee:                               |                    |
| 20 |                                 |                       | Renewal maximum                                | \$440.00           |
| 21 | Chiropractors                   | 5-30-6                | Examination fee:                               | \$210.00           |
| 22 | Chiropractors                   | 5-30-7                | Examination exemption fee:                     | \$210.00           |
| 23 | Chiropractors                   | 5-30-8(b)             | Exam Physiotherapy                             | \$210.00           |
| 24 | Chiropractors                   | 5-30-8(b)             | Exam chiro and physiotherapy                   | \$210.00           |
| 25 | Chiropractors                   | 5-30-12               | Renewal fee                                    | \$210.00           |
| 26 | Dentists/dental hygienists      | 5-31.1-6(d)           | Dentist: application fee                       | \$965.00           |
| 27 | Dentists/dental hygienists      | 5-31.1-6(d)           | Dental hygienist: application fee              | \$65.00            |
| 28 | Dentists/dental hygienists      | 5-31.1-6(d)           | Reexamination: dentist                         | \$965.00           |
| 29 | Dentists/dental hygienists      | 5-31.1-6(d)           | Reexamination: hygienist                       | \$65.00            |
| 30 | Dentists/dental hygienists      | 5-31.1-21(b)          | Reinstatement fee dentist                      | \$90.00            |
| 31 | Dentists/dental hygienists      | 5-31.1-21(b)          | Reinstatement fee hygienist                    | \$90.00            |
| 32 | Dentists/dental hygienists      | 5-31.1-21(c)          | Inactive status: dentist                       | \$220.00           |
| 33 | Dentists/dental hygienists      | 5-31.1-21(c)          | Inactive status: hygienist                     | \$40.00            |
| 34 | Dentists/dental hygienists      | 5-31.1-22             | Limited registration                           | \$65.00            |

|    |   |              |                               |          |
|----|---|--------------|-------------------------------|----------|
| 1  | Dentists/dental hygienists                      | 5-31.1-23[c] | Limited reg:                  |          |
| 2  |   |              | Academic faculty              | \$965.00 |
| 3  | Dentists/dental hygienists                      | 5-31.1-23[c] | Limited reg:                  |          |
| 4  |   |              | Academic faculty renewal      | \$500.00 |
| 5  | Electrolysis                                    | 5-32-3       | Application fee               | \$25.00  |
| 6  | Electrolysis                                    | 5-32-6(b)    | Renewal fee                   | \$25.00  |
| 7  | Electrolysis                                    | 5-32-7       | Reciprocal license fee        | \$25.00  |
| 8  | Electrolysis                                    | 5-32-17      | Teaching license              | \$25.00  |
| 9  | Funeral directors/embalmers                     | 5-33.2-12    | Funeral establishment license | \$120.00 |
| 10 | Funeral services establishments                 |              |                               |          |
| 11 | Funeral directors/embalmers                     | 5-33.2-15    | Renewal: funeral/director     | \$90.00  |
| 12 | funeral services establishments embalmer        |              |                               | \$30.00  |
| 13 | Funeral directors/embalmers                     | 5-33.2-12    | Funeral branch ofc license    | \$90.00  |
| 14 | Funeral directors/embalmers                     | 5-33.2-13.1  | Crematories: application fee  | \$120.00 |
| 15 | Funeral services establishments                 |              |                               |          |
| 16 | Funeral directors/embalmers                     | 5-33.2-15    | Renewal: funeral/director     | \$120.00 |
| 17 | Funeral Svcs establishments establishment       |              |                               |          |
| 18 | Funeral directors/embalmers                     | 5-33.2-15    | Additional branch office      |          |
| 19 | Funeral services Establishments licenses        |              |                               | \$120.00 |
| 20 | Funeral directors/embalmers                     | 5-33.2-15    | Crematory renewal fee         |          |
| 21 | Funeral svcs establishments                     |              |                               | \$120.00 |
| 22 | Funeral directors/embalmers                     | 5-33.2-15    | Late renewal fee              |          |
| 23 | Funeral svcs establishments (All license types) |              |                               | \$25.00  |
| 24 | Funeral directors/embalmers                     | 5-33.2-16(a) | Intern registration fee       |          |
| 25 | Funeral Services establishments                 |              |                               | \$25.00  |
| 26 | Nurses  | 5-34-12      | RN Application fee            | \$135.00 |
| 27 | Nurses  | 5-34-16      | LPN Application fee           | \$45.00  |
| 28 | Nurses  | 5-34-19      | Renewal fee: RN               | \$135.00 |
| 29 | Nurses  | 5-34-19      | Renewal fee: LPN              | \$45.00  |
| 30 | Nurses  | 5-34-37      | RNP application fee           | \$80.00  |
| 31 | Nurses  | 5-34-37      | RNP renewal fee               | \$80.00  |
| 32 | Nurses  | 5-34-37      | RNP prescriptive privileges   | \$65.00  |
| 33 | Nurses  | 5-34-40.3    | Clin nurse spec application   | \$80.00  |
| 34 | Nurses  | 5-34-40.3    | Clin nurse spec renewal       | \$80.00  |

|    |                         |              |                                   |            |
|----|-------------------------|--------------|-----------------------------------|------------|
| 1  | Nurses                  | 5-34-40.3    | Clin nurse spec Rx privilege      | \$65.00    |
| 2  | Nurse anesthetists      | 5-34.2-4(a)  | CRNA application fee              | \$80.00    |
| 3  | Nurse anesthetists      | 5-34.2-4(b)  | CRNA renewal fee                  | \$80.00    |
| 4  | Optometrists            | 5-35.1-4     | Application fee                   | \$280.00   |
| 5  | Optometrists            | 5-35.1-7     | Renewal fee                       | \$280.00   |
| 6  | Optometrists            | 5-35.1-7     | Late fee                          | \$90.00    |
| 7  | Optometrists            | 5-35.1-7     | Reactivation of license fee       | \$65.00    |
| 8  | Optometrists            | 5-35.1-19(b) | Violations of section             | \$650.00   |
| 9  | Optometrists            | 5-35.1-20    | Violations of chapter             | \$260.00   |
| 10 | Opticians               | 5-35.2-3     | Application fee                   | \$30.00    |
| 11 | Physicians              | 5-37-2       | Application fee                   | \$1,090.00 |
| 12 | Physicians              | 5-37-2       | Re-examination fee                | \$1,090.00 |
| 13 | Physicians              | 5-37-10(b)   | Late renewal fee                  | \$170.00   |
| 14 | Physicians              | 5-37-16      | Limited registration fee          | \$65.00    |
| 15 | Physicians              | 5-37-16.1    | Ltd reg: academic faculty         | \$600.00   |
| 16 | Physicians              | 5-37-16.1    | Ltd reg: academic Faculty renewal | \$170.00   |
| 17 | Acupuncture             | 5-37.2-10    | Application fee                   | \$310.00   |
| 18 | Acupuncture             | 5-37.2-13(4) | Acupuncture assistant             | \$310.00   |
| 19 |                         |              | Licensure fee                     | \$170.00   |
| 20 | Social workers          | 5-39.1-9     | Application fee                   | \$70.00    |
| 21 | Social workers          | 5-39.1-9     | Renewal fee                       | \$70.00    |
| 22 | Physical therapists     | 5-40-8       | Application fee                   | \$155.00   |
| 23 | Physical therapists     | 5-40-8.1     | Application: physical therapy     |            |
| 24 |                         |              | assistants                        | \$50.00    |
| 25 | Physical therapists     | 5-40-10(a)   | Renewal fee: Physical therapists  | \$155.00   |
| 26 | Physical therapists     | 5-40-10(a)   | Renewal fee: Physical therapy     |            |
| 27 |                         |              | assistants                        | \$50.00    |
| 28 | Physical therapists     | 5-40-10[c]   | Late renewals                     | \$50.00    |
| 29 | Occupational therapists | 5-40.1-12(2) | Renewal fee                       | \$140.00   |
| 30 | Occupational therapists | 5-40.1-12(5) | Late renewal fee                  | \$50.00    |
| 31 | Occupational therapists | 5-40.1-12(b) | Reactivation fee                  | \$140.00   |
| 32 | Occupational therapists | 5-40.1-13    | Application fee                   | \$140.00   |
| 33 | Psychologists           | 5-44-12      | Application fee                   | \$230.00   |
| 34 | Psychologists           | 5-44-13      | Temporary permit                  | \$120.00   |

|    |                                 |              |                                     |          |
|----|---------------------------------|--------------|-------------------------------------|----------|
| 1  | Psychologists                   | 5-44-15[c]   | Renewal fee                         | \$230.00 |
| 2  | Psychologists                   | 5-44-15(e)   | Late renewal fee                    | \$50.00  |
| 3  | Nursing home administrators     | 5-45-10      | Renewal fee                         | \$160.00 |
| 4  | Speech pathologist/audiologists | 5-48-1(14)   | Speech lang support personnel:      |          |
| 5  |                                 |              | late filing                         | \$90.00  |
| 6  | Speech pathologist/audiologists | 5-48-9(a)    | Application fee: Audiologist        | \$65.00  |
| 7  | Speech pathologist/audiologists | 5-48-9(a)    | Application fee:                    |          |
| 8  |                                 |              | speech Pathologist                  | \$145.00 |
| 9  | Speech pathologist/audiologists | 5-48-9(a)    | Renewal fee: Audiologist            | \$65.00  |
| 10 | Speech pathologist/audiologists | 5-48-9(a)    | Renewal fee: Speech Pathologist     | \$145.00 |
| 11 | Speech pathologist/audiologists | 5-48-9(a)    | Provisional license: renewal fee    | \$65.00  |
| 12 | Speech pathologist/audiologists | 5-48-9(b)    | Late renewal fee                    | \$50.00  |
| 13 | Speech pathologist/audiologists | 5-48-9(d)(1) | Reinstatement fee: audiologist      | \$65.00  |
| 14 | Speech pathologist/audiologists | 5-48-9(d)(1) | Reinstatement fee: audiologist      | \$65.00  |
| 15 |                                 |              | speech pathologists                 | \$145.00 |
| 16 |                                 |              | personnel: late filing              | \$65.00  |
| 17 | Hearing aid dealers/fitters     | 5-49-6(a)    | License endorsement Examination fee | \$25.00  |
| 18 | Hearing aid dealers/fitters     | 5-49-8(b)    | Temporary permit fee                | \$25.00  |
| 19 | Hearing aid dealers/fitters     | 5-49-8(d)    | Temporary permit renewal fee        | \$35.00  |
| 20 | Hearing aid dealers/fitters     | 5-49-11(1)   | License fee                         | \$25.00  |
| 21 | Hearing aid dealers/fitters     | 5-49-11(b)   | License renewal fee                 | \$25.00  |
| 22 | Hearing aid dealers/fitters     | 5-49-11[c]   | License renewal late fee            | \$25.00  |
| 23 | Physician assistants            | 5-54-9(4)    | Application fee                     | \$110.00 |
| 24 | Physician assistants            | 5-54-11(b)   | Renewal fee                         | \$110.00 |
| 25 | Orthotics/prosthetic practice   | 5-59.1-5     | Application fee                     | \$120.00 |
| 26 | Orthotics/prosthetic practice   | 5-59.1-12    | Renewal fee                         | \$120.00 |
| 27 | Athletic trainers               | 5-60-11      | Application fee                     | \$60.00  |
| 28 | Athletic trainers               | 5-60-11      | Renewal fee                         | \$60.00  |
| 29 | Athletic trainers               | 5-60-11      | Late renewal fee                    | \$25.00  |
| 30 | Mental health counselors        | 5-63.2-16    | Application fee: marriage           |          |
| 31 | Marriage and family therapists  |              | Family therapist                    | \$130.00 |
| 32 | Mental health counselors        | 5-63.2-16    | Application fee: mental             |          |
| 33 | Marriage and family therapists  |              | Health counselors                   | \$70.00  |
| 34 | Mental health counselors        | 5-63.2-16    | Reexamination fee:                  |          |

|    |                                |              |                                   |          |
|----|--------------------------------|--------------|-----------------------------------|----------|
| 1  | Marriage and family therapists |              | Marriage/family therapist         | \$130.00 |
| 2  | Mental health counselors       | 5-63.2-16    | Reexamination fee:                |          |
| 3  | Marriage and family therapists |              | Mental health counselors          | \$70.00  |
| 4  | Mental health counselors       | 5-63.2-17(a) | Renewal fee: marriage             |          |
| 5  | Marriage and Family therapists |              | Family therapist                  | \$130.00 |
| 6  | Mental health counselors       | 5-63.2-17(a) | Renewal fee:                      |          |
| 7  | Marriage and Family therapist  |              | Mental health counselor           | \$50.00  |
| 8  | Mental health counselors       | 5-63.2-17(b) | Late renewal fee                  |          |
| 9  | Marriage and Family therapist  |              | Marriage and family therapist     | \$90.00  |
| 10 | Dieticians                     | 5-64-6(b)    | Application fee                   | \$75.00  |
| 11 | Dieticians                     | 5-64-7       | Graduate status: Application fee: | \$75.00  |
| 12 | Dieticians                     | 5-64-8       | Renewal fee                       | \$75.00  |
| 13 | Dieticians                     | 5-64-8       | Reinstatement fee                 | \$75.00  |
| 14 | Radiologic technologists       | 5-68.1-10    | Application fee maximum           | \$190.00 |
| 15 | Licensed chemical dependency   | 5-69-9       | Application fee                   | \$75.00  |
| 16 | professionals                  |              |                                   |          |
| 17 | Licensed chemical dependency   | 5-69-9       | Renewal fee                       | \$75.00  |
| 18 | professionals                  |              |                                   |          |
| 19 | Licensed chemical              | 5-69-9       | Application fee                   | \$75.00  |
| 20 | Licensed chemical dependency   | 5-69-9       | Application fee                   | \$75.00  |
| 21 | clinical supervisor            |              |                                   |          |
| 22 | Licensed chemical dependency   | 5-69-9       | Renewal fee                       | \$75.00  |
| 23 | clinical supervisor            |              |                                   |          |
| 24 | Deaf interpreters              | 5-71-8(3)    | License fee maximum               | \$25.00  |
| 25 | Deaf interpreters              | 5-71-8(3)    | License renewal fee               | \$25.00  |
| 26 | Milk producers                 | 21-2-7(g)(1) | In-state milk processor           | \$160.00 |
| 27 | Milk producers                 | 21-2-7(g)(2) | Out-of-state milk processor       | \$160.00 |
| 28 | Milk producers                 | 21-2-7(g)(3) | Milk distributors                 | \$160.00 |
| 29 | Frozen desserts                | 21-9-3(1)    | In-state wholesale                | \$550.00 |
| 30 | Frozen desserts                | 21-9-3(2)    | Out-of-state wholesale            | \$160.00 |
| 31 | Frozen desserts                | 21-9-3(3)    | Retail frozen dess processors     | \$160.00 |
| 32 | Meats                          | 21-11-4      | Wholesale                         | \$160.00 |
| 33 | Meats                          | 21-11-4      | Retail                            | \$40.00  |
| 34 | Shellfish packing houses       | 21-14-2      | License fee: Shipper/reshipper    | \$320.00 |

|    |                                  |                |   |                                     |
|----|----------------------------------|----------------|---|-------------------------------------|
| 1  | Shellfish packing houses         | 21-14-2        | License fee: Shucker packer/repacker              | \$390.00                            |
| 2  | Non-alcoholic bottled Beverages, |                |   |                                     |
| 3  | Drinks & juices                  | 21-23-2        | Bottler permit                                    | \$550.00                            |
| 4  | Non-alcoholic bottled beverages, |                |   |                                     |
| 5  | drinks and juices                | 21-23-2        | Bottle apple cider fee                            | \$60.00                             |
| 6  | Farm home food manufacturers     | 21-27-6.1(4)   | Registration fee                                  | \$65.00                             |
| 7  | Food businesses                  | 21-27-10(e)(1) | Food processors wholesale                         | <del>\$500.00</del> <u>\$300.00</u> |
| 8  | Food businesses                  | 21-27-10(e)(2) | Food processors retail                            | \$120.00                            |
| 9  | Food businesses                  | 21-27-10(e)(3) | Food service establishments                       |                                     |
| 10 |                                  |                | <del>&gt;50 seats</del> <u>50 seats or less</u>   | \$160.00                            |
| 11 | Food businesses                  | 21-27-10(e)(3) | Food service establishments                       |                                     |
| 12 |                                  |                | <del>&gt;50 seats</del> <u>more than 50 seats</u> | \$240.00                            |
| 13 | Food businesses                  | 21-27-10(e)(3) | Mobile food service units                         | \$100.00                            |
| 14 | Food businesses                  | 21-27-10(e)(3) | Industrial caterer or food vending                |                                     |
| 15 |                                  |                | Machine commissary                                | \$280.00                            |
| 16 | Food businesses                  | 21-27-10(e)(3) | Cultural heritage educational Facility            | \$80.00                             |
| 17 | Food businesses                  | 21-27-10(e)(4) | Vending Machine Location >3 units                 | \$50.00                             |
| 18 | Food businesses                  | 21-27-10(e)(4) | Vending Machine Location                          |                                     |
| 19 |                                  |                | 4-10 units  | \$100.00                            |
| 20 | Food businesses                  | 21-27-10(e)(4) | Vending Machine Location =                        |                                     |
| 21 |                                  |                | 11 units  | \$120.00                            |
| 22 | Food businesses                  | 21-27-10(e)(5) | Retail Mkt 1-2 cash registers                     | \$120.00                            |
| 23 | Food businesses                  | 21-27-10(e)(5) | Retail Market 3-5 cash registers                  | \$240.00                            |
| 24 | Food businesses                  | 21-27-10(e)(5) | Retail Market = 6 Cash registers                  | \$510.00                            |
| 25 | Food businesses                  | 21-27-10(e)(6) | Retail food peddler                               | \$100.00                            |
| 26 | Food businesses                  | 21-27-10(e)(7) | Food warehouses                                   | \$190.00                            |
| 27 | Food businesses                  | 21-27-11.2     | Certified food safety mgr                         | \$50.00                             |
| 28 | License verification fee         | 23-1-16.1      | All license types                                 | \$50.00                             |
| 29 | Tattoo and body piercing         | 23-1-39        | Annual registration fee: Person                   | \$90.00                             |
| 30 | Tattoo and body piercing         | 23-1-39        | Annual registration fee: establishment            | \$90.00                             |
| 31 | Vital records                    | 23-3-25(a)(1)  | Certificate of birth, fetal death,                |                                     |
| 32 |                                  |                | Death, marriage, birth, or                        |                                     |
| 33 |                                  |                | Certification that such record                    |                                     |
| 34 |                                  |                | Cannot be found                                   | \$20.00                             |

|    |                               |               |                                       |            |
|----|-------------------------------|---------------|---------------------------------------|------------|
| 1  | Vital records                 | 23-3-25(a)(1) | Each duplicate of certificate of      |            |
| 2  |                               |               | birth, fetal death, death,            |            |
| 3  |                               |               | marriage, Birth, or certification     |            |
| 4  |                               |               | that such record cannot be found      | \$15.00    |
| 5  | Vital records                 | 23-3-25(a)(2) | Each additional calendar year         |            |
| 6  |                               |               | Search, if within 3 months of         |            |
| 7  |                               |               | original search and if receipt of     |            |
| 8  |                               |               | original search presented             | \$2.00     |
| 9  | Vital records                 | 23-3-25(a)(3) | Expedited service                     | \$7.00     |
| 10 | Vital records                 | 23-3-25(a)(4) | Adoptions, legitimations, or          |            |
| 11 |                               |               | Paternity determinations              | \$15.00    |
| 12 | Vital records                 | 23-3-25(a)(5) | Authorized corrections,               |            |
| 13 |                               |               | Alterations, and additions            | \$10.00    |
| 14 | Vital records                 | 23-3-25(a)(6) | Filing of delayed record and          |            |
| 15 |                               |               | Examination of documentary Proof      | \$20.00    |
| 16 | Vital records                 | 23-3-25(a)(6) | Issuance of certified copy of a       |            |
| 17 |                               |               | delayed record                        | \$20.00    |
| 18 | Medical Examiner              | 23-4-13       | Autopsy reports                       | \$40.00    |
| 19 | Medical Examiner              | 23-4-13       | Cremation certificates and statistics | \$30.00    |
| 20 | Medical Examiner              | 23-4-13       | Testimony in civil suits:             |            |
| 21 |                               |               | Minimum/day                           | \$650.00   |
| 22 | Medical Examiner              | 23-4-13       | Testimony in civil suits:             |            |
| 23 |                               |               | Maximum/day                           | \$3,250.00 |
| 24 | Emergency medical technicians | 23-4.1-10[c]  | Annual fee: ambulance                 |            |
| 25 |                               |               | Service maximum                       | \$540.00   |
| 26 | Emergency medical technicians | 23-4.1-10[c]  | Annual fee: vehicle license           |            |
| 27 |                               |               | maximum                               | \$275.00   |
| 28 | Emergency medical technicians | 23-4.1-10[c]  | Triennial fee: EMT license            |            |
| 29 |                               |               | maximum                               | \$120.00   |
| 30 | Emergency medical technicians | 23-4.1-10(2)  | Exam fee maximum: EMT                 | \$120.00   |
| 31 | Emergency medical technicians | 23-4.1-10(2)  | Vehicle inspection Maximum            | \$190.00   |
| 32 | Clinical laboratories         | 23-16.2-4(a)  | Clinical laboratory license per       |            |
| 33 |                               |               | specialty                             | \$650.00   |
| 34 | Clinical laboratories         | 23-16.2-4(a)  | Laboratory station license            | \$650.00   |

|    |   |                 |  |             |
|----|---|-----------------|--|-------------|
| 1  | Clinical laboratories                         | 23-16.2-4(b)    | Permit fee   | \$70.00     |
| 2  | Health care facilities                        | 23-17-38        | Hospital: base fee annual                              | \$16,900.00 |
| 3  | Health care facilities                        | 23-17-38        | Hospital: annual per bed fee                           | \$120.00    |
| 4  | Health care facilities                        | 23-17-38        | ESRD: annual fee                                       | \$3,900.00  |
| 5  | Health care facilities                        | 23-17-38        | Home nursing care/home                                 |             |
| 6  |   |                 | Care providers   | \$650.00    |
| 7  | Health care facilities                        | 23-17-38        | OACF: annual fee                                       | \$650.00    |
| 8  | Assisted living residences/<br>administrators | 23-17.4-15.2(d) | License application fee:                               | \$220.00    |
| 9  | Assisted living residences/<br>administrators | 23-17.4-15.2(d) | License renewal fee:                                   | \$220.00    |
| 10 | Assisted living residences                    | 23-17.4-31      | Annual facility fee: base                              | \$330.00    |
| 11 | Assisted living residences                    | 23-17.4-31      | Annual facility per bed                                | \$70.00     |
| 12 | Nursing assistant registration                | 23-17.9-3       | Application: competency<br>evaluation training program |             |
| 13 |   |                 | maximum  | \$325.00    |
| 14 | Nursing assistant registration                | 23-17.9-5       | Application fee  | \$35.00     |
| 15 | Nursing assistant registration                | 23-17.9-5       | Exam fee: skills proficiency                           | \$170.00    |
| 16 | Nursing assistant registration                | 23-17.9-6       | Registration fee                                       | \$35.00     |
| 17 | Nursing assistant registration                | 23-17.9-7       | Renewal fee  | \$35.00     |
| 18 | Sanitarians                                   | 23-19.3-5(a)    | Registration fee                                       | \$25.00     |
| 19 | Sanitarians                                   | 23-19.3-5(b)    | Registration renewal                                   | \$25.00     |
| 20 | Massage therapy                               | 23-20.8-3(e)    | Massage therapist appl fee                             | \$65.00     |
| 21 | Massage therapy                               | 23-20.8-3(e)    | Massage therapist renewal fee                          | \$65.00     |
| 22 | Recreational facilities                       | 23-21-2         | Application fee  | \$160.00    |
| 23 | Swimming pools                                | 23-22-6         | Application license: first pool                        | \$250.00    |
| 24 | Swimming pools                                | 23-22-6         | Additional pool fee at same location                   | \$75.00     |
| 25 | Swimming pools                                | 23-22-6         | Seasonal application license:<br>first pool            | \$150.00    |
| 26 | Swimming pools                                | 23-22-6         | Seasonal additional pool fee at<br>same location       | \$75.00     |
| 27 | Swimming pools                                | 23-22-6         | Year-round license for non-profit                      | \$25.00     |
| 28 | Swimming pools                                | 23-22-10        | Duplicate license                                      | \$2.00      |
| 29 | Swimming pools                                | 23-22-12        | Penalty for violations                                 | \$50.00     |

|   |                                |          |                 |         |
|---|--------------------------------|----------|-----------------|---------|
| 1 | Respiratory care practitioners | 23-39-11 | Application fee | \$60.00 |
| 2 | Respiratory care practitioners | 23-39-11 | Renewal fee     | \$60.00 |

3 SECTION 8. Section 39-1-62 of the General Laws in Chapter 39-1 entitled "Public Utilities  
4 Commission" is hereby amended to read as follows:

5 ~~39-1-62. E-911 Geographic Information System (GIS) and Technology Fund.~~  
6 **Geographic Information System (GIS) and Technology Fund.**

7 (a) Preamble. To allow ~~the~~ Rhode Island ~~E-911 Emergency Telephone System agency~~  
8 [emergency and first response agencies](#) to associate latitude and longitude coordinates provided by  
9 wireless carriers with physical locations throughout the state, the agency must establish and  
10 maintain a GIS database of street addresses and landmarks. The database will allow local  
11 emergency response personnel to dispatch police, fire and rescue personnel to a specific address or  
12 landmark of a cellular caller in the event the caller is unaware of his or her location, or is physically  
13 unable to communicate it. Because more than half of the 530,000 9-1-1 phone calls received in  
14 2003 came from cellular phones, it is critical that the GIS database be developed and maintained in  
15 order to improve caller location identification and reduce emergency personnel response times.

16 (b) Definitions. As used in this section, the following terms have the following meanings:

17 (1) "System" means Emergency 911 Uniform Telephone System.

18 (2) "Agency" means Rhode Island 911 Emergency Telephone System.

19 (3) "Division" means the Division of Public Utilities and Carriers.

20 (4) "GIS and Technology Fund" means the programs and funding made available to the  
21 Emergency 911 Uniform Telephone System to assist in paying the costs of the GIS database  
22 development project and GIS systems maintenance, which will enable the system to locate cellular  
23 phone callers by geocoding all addresses and landmarks in cities and towns throughout the state.  
24 GIS and Technology Fund also includes programs and funding to create system redundancy, fund  
25 the construction of a new E-911 facility, and operate and maintain other state-of-the-art equipment  
26 in public safety agencies.

27 (5) "Prepaid wireless ~~E911~~ telecommunications service" means a wireless  
28 telecommunications service that allows a caller to dial 911 to access the 911 system, which service  
29 must be paid for in advance and is sold in predetermined units or dollars of which the number  
30 declines with use in a known amount.

31 (c) Purpose. The purpose of the GIS and Technology Fund shall be to:

32 (1) Implement and maintain a geographic information system database to assist in locating  
33 wireless phone callers for emergency purposes in a manner consistent and in coordination with the  
34 Rhode Island geographic information system administered by the Division of Planning as provided

1 for in § 42-11-10(g)(3); and

2 (2) Create system redundancy to ensure the reliability of 9-1-1 service to the public;

3 (3) Operate and maintain other state-of-the-art equipment in public safety agencies; ~~and~~

4 (4) Fund the construction of a new E-911 facility-; and

5 (5) Encourage the development of opportunities for and agreements on the sharing and  
6 integration of services across municipalities in the implementation of the E-911 uniform emergency  
7 telephone system.

8 (d) Authority. The agency shall establish, by rule or regulation, an appropriate funding  
9 mechanism to recover from the general body of ratepayers the costs of funding GIS and technology  
10 projects.

11 (1) The general assembly shall determine the amount of a monthly surcharge to be levied  
12 upon each wireless instrument, device or means including cellular, telephony, Internet, Voice Over  
13 Internet Protocol (VoIP), satellite, computer, radio, communication, data, or any other wireless  
14 instrument, device or means that has access to, connects with, interfaces with or is capable of  
15 delivering two-way interactive communications services to the Rhode Island ~~E-911~~ Uniform  
16 Emergency Telephone System. Prepaid wireless E911 telecommunications services shall not be  
17 included in this act, but shall be governed by chapter 21.2 of title 39. The agency will provide the  
18 general assembly with information and recommendations regarding the necessary level of funding  
19 to effectuate the purposes of this article. The surcharge shall be billed monthly by each wireless  
20 telecommunications services provider as defined in § 39-21.1-3, which shall not include prepaid  
21 wireless ~~E911~~ telecommunications service, and shall be payable to the wireless  
22 telecommunications services provider by the subscriber of the telecommunications services. Each  
23 telecommunication services provider shall establish a special (escrow) account to which it shall  
24 deposit on a monthly basis the amounts collected as a surcharge under this section. The money  
25 collected by each wireless telecommunication services provider shall be transferred within sixty  
26 (60) days after its inception of wireless, cellular, telephony, Voice Over Internet Protocol (VoIP),  
27 satellite, computer, Internet, or communications, information or data services in this state and every  
28 month thereafter. Any money not transferred in accordance with this paragraph shall be assessed  
29 interest at the rate set forth in § 44-1-7 from the date the money should have been transferred. State,  
30 local and quasi-governmental agencies shall be exempt from the surcharge. The surcharge shall be  
31 deposited in restricted receipt account, hereby created within the agency and known as the GIS and  
32 Technology Fund, to pay any and all costs associated with the provisions of subsection (c).  
33 Beginning July 1, 2007, the surcharge shall be deposited in the general fund as general revenues to  
34 pay any and all costs associated with the provisions of subsection (c). The GIS and Technology

1 Fund restricted receipt account shall be terminated June 30, 2008. The amount of the surcharge  
2 under this section shall not exceed thirty-five cents (\$.35) per wireless phone.

3 (2) The surcharge is hereby determined to be twenty-six cents (\$.26) per wireless phone,  
4 cellular, telephony, Voice Over Internet Protocol (VoIP), satellite, computer, data or data only  
5 wireless lines or Internet communication or data instrument, device or means which has access to,  
6 connects with, activates or interfaces with or any combination of the above with the Rhode Island  
7 E-911 Uniform Emergency Telephone System per month and shall be in addition to the wireless  
8 surcharge charged under § 39-21.1-14. The twenty-six cents (\$.26) is to be billed to all wireless  
9 telecommunication service providers, subscribers upon the inception of services.

10 (3) The amount of the surcharge shall not be subject to the sales and use tax imposed under  
11 chapter 18 of title 44 nor be included within the gross earnings of the telecommunications  
12 corporation providing telecommunications service for the purpose of computing the tax under  
13 chapter 13 of title 44.

14 (4) [Deleted by P.L. 2010, ch. 23, art. 9, § 10].

15 (e) Administration. The division of taxation shall collect monthly from the wireless  
16 telecommunications service providers as defined in § 39-21.1-3, and which shall not include  
17 prepaid wireless ~~E911~~ telecommunications service, the amounts of the surcharge collected from  
18 their subscribers. The division of taxation shall deposit such collections in the general fund as  
19 general revenues for use in developing and maintaining the geographic information system  
20 database, creating system redundancy, funding the construction of a new E-911 facility and  
21 operating and maintaining other state-of-the-art equipment for public safety agencies. The agency  
22 is further authorized and encouraged to seek matching funds from all local, state, and federal public  
23 or private entities and shall coordinate its activities and share all information with the state Division  
24 of Planning.

25 (f) Effective date. The effective date of assessment for the GIS and Technology Fund shall  
26 be July 1, 2004.

27 (g) Nothing in this section shall be construed to constitute rate regulation of wireless  
28 communications services carriers, nor shall this section be construed to prohibit wireless  
29 communications services carriers from charging subscribers for any wireless service or feature.

30 (h) Except as otherwise provided by law, the agency shall not use, disclose or otherwise  
31 make available call location information for any purpose other than as specified in subsection (c).

32 (i) The attorney general shall, at the request of the E-911 uniform emergency telephone  
33 system division, or any other agency that may replace it, or on its own initiative, commence judicial  
34 proceedings in the superior court against any telecommunication services provider as defined in §

1 39-21.1-3(12) providing communication services to enforce the provisions of this chapter.

2 SECTION 9. Section 39-21.1-14 of the General Laws in Chapter 39-21.1 entitled "911  
3 Emergency Telephone Number Act" is hereby amended to read as follows:

4 **39-21.1-14. Funding. Emergency services and first response surcharge.**

5 (a) A monthly surcharge of one dollar (\$1.00) is hereby levied upon each residence and  
6 business telephone line or trunk or path and data, telephony, Internet, Voice Over Internet Protocol  
7 (VoIP) wireline, line, trunk or path in the state including PBX trunks and centrex equivalent trunks  
8 and each line or trunk serving, and upon each user interface number or extension number or  
9 similarly identifiable line, trunk, or path to or from a digital network (such as, but not exclusive of,  
10 integrated services digital network (ISDN), Flexpath or comparable digital private branch  
11 exchange, or connecting to or from a customer-based or dedicated telephone switch site (such as,  
12 but not exclusive of, a private branch exchange (PBX)), or connecting to or from a customer-based  
13 or dedicated central office (such as, but not exclusive of, a centrex system but exclusive of trunks  
14 and lines provided to wireless communication companies) that can access to, connect with or  
15 interface with the Rhode Island E-911 Uniform Emergency Telephone System (RI E-911). The  
16 surcharge shall be billed by each telecommunication services provider at the inception of services  
17 and shall be payable to the telecommunication services provider by the subscriber of the services.  
18 A monthly surcharge of one dollar (\$1.00) is hereby levied effective July 1, 2002, on each wireless  
19 instrument, device or means including prepaid, cellular, telephony, Internet, Voice Over Internet  
20 Protocol (VoIP), satellite, computer, radio, communication, data or data only wireless lines or any  
21 other wireless instrument, device or means which has access to, connects with, or activates or  
22 interfaces or any combination thereof with the E 9-1-1 Uniform Emergency Telephone System.  
23 The surcharge shall be in addition to the surcharge collected under § 39-1-62 and shall be billed by  
24 each telecommunication services provider and shall be payable to the telecommunication services  
25 provider by the subscriber. Prepaid wireless telecommunications services shall not be included in  
26 this act, but shall be governed by chapter 21.2 of title 39. The E-911 Uniform Emergency Telephone  
27 System shall establish, by rule or regulation an appropriate funding mechanism to recover from the  
28 general body of ratepayers this surcharge.

29 (b) The amount of the surcharge shall not be subject to the tax imposed under chapter 18  
30 of title 44 nor be included within the telephone common carrier's gross earnings for the purpose of  
31 computing the tax under chapter 13 of title 44.

32 (c) Each telephone common carrier and each telecommunication services provider shall  
33 establish a special account to which it shall deposit on a monthly basis the amounts collected as a  
34 surcharge under this section.

1 (d) The money collected by each telecommunication services provider shall be transferred  
2 within sixty (60) days after its inception of wireline, wireless, prepaid, cellular, telephony, Voice  
3 Over Internet Protocol (VoIP), satellite, computer, Internet, or communications services in this state  
4 and every month thereafter, to the division of taxation, together with the accrued interest and shall  
5 be deposited in the general fund as general revenue; provided, however, that beginning July 1,  
6 2015, ten (10) percent of such money collected shall be deposited in the Information Technology  
7 Investment Fund established pursuant to § 42-11-2.5. Any money not transferred in accordance  
8 with this paragraph shall be assessed interest at the rate set forth in § 44-1-7 from the date the  
9 money should have been transferred.

10 (e) Every billed subscriber-user shall be liable for any surcharge imposed under this section  
11 until it has been paid to the telephone common carrier or telecommunication services provider. Any  
12 surcharge shall be added to and may be stated separately in the billing by the telephone common  
13 carrier or telecommunication services provider and shall be collected by the telephone common  
14 carrier or telecommunication services provider.

15 (f) Each telephone common carrier and telecommunication services provider shall annually  
16 provide the E 9-1-1 uniform emergency telephone system division or any other agency that may  
17 replace it, with a list of amounts uncollected together with the names and addresses of its  
18 subscriber-users who can be determined by the telephone common carrier or telecommunication  
19 services provider to have not paid the surcharge.

20 (g) Included within, but not limited to, the purposes for which the money collected may be  
21 used are rent, lease, purchase, improve, construct, maintenance, repair, and utilities for the  
22 equipment and site or sites occupied by the ~~E 9-1-1 uniform emergency telephone system~~ [state's](#)  
23 [first responder and emergency services agencies](#); salaries, benefits, and other associated personnel  
24 costs; acquisition, upgrade or modification of PSAP equipment to be capable of receiving E 9-1-1  
25 information, including necessary computer hardware, software, and data base provisioning,  
26 addressing, and non-recurring costs of establishing emergency services; network development,  
27 operation and maintenance; data-base development, operation, and maintenance; on-premise  
28 equipment maintenance and operation; training emergency service personnel regarding use of E 9-  
29 1-1; educating consumers regarding the operations, limitations, role and responsible use of E 9-1-  
30 1; reimbursement to telephone common carriers or telecommunication services providers of rates  
31 or recurring costs associated with any services, operation, administration or maintenance of E 9-1-  
32 1 services as approved by the division; reimbursement to telecommunication services providers or  
33 telephone common carriers of other costs associated with providing E 9-1-1 services, including the  
34 cost of the design, development, and implementation of equipment or software necessary to provide

1 E 9-1-1 service information to PSAP's, as approved by the division.

2 (h) [Deleted by P.L. 2000, ch. 55, art. 28, § 1.]

3 (i) Nothing in this section shall be construed to constitute rate regulation of wireless  
4 communication services carriers, nor shall this section be construed to prohibit wireless  
5 communication services carriers from charging subscribers for any wireless service or feature.

6 (j) [Deleted by P.L. 2006, ch. 246, art. 4, § 1].

7 SECTION 10. Sections 39-21.2-1, 39-21.2-2, 39-21.2-3, 39-21.2-4, and 39-21.2-7 of the  
8 General Laws in Chapter 39-21.2 entitled "Prepaid Wireless E911 Charge Act" are hereby amended  
9 to read as follows:

10 **39-21.2-1. Short title.**

11 This act may be cited as the "Prepaid Wireless ~~E911~~ Charge Act of 2010."

12 **39-21.2-2. Findings.**

13 The legislature finds that:

14 (1) Maintaining effective and efficient ~~911 systems~~ emergency services and first responder  
15 agencies across the state benefits all citizens;

16 (2) 911 fees imposed upon the consumers of telecommunications services that have the  
17 ability to dial 911 are an important funding mechanism to assist state and local governments with  
18 the deployment of ~~enhanced 911~~ emergency services to the citizens of this state;

19 (3) Prepaid wireless telecommunication services are an important segment of the  
20 telecommunications industry and have proven particularly attractive to low-income, low-volume  
21 consumers;

22 (4) Unlike traditional telecommunications services, prepaid wireless telecommunications  
23 services are not sold or used pursuant to term contracts or subscriptions, and monthly bill are not  
24 sent to consumers by prepaid wireless telecommunication services providers or retail vendors;

25 (5) Prepaid wireless consumers have the same access to emergency 911 services from their  
26 wireless devices as wireless consumers on term contracts, and prepaid wireless consumers benefit  
27 from the ability to access the 911 system by dialing 911;

28 (6) Consumers purchase prepaid wireless telecommunication services at a wide variety of  
29 general retail locations and other distribution channels, not just through service providers;

30 (7) Such purchases are made on a "cash-and-carry" or "pay-as-you-go" basis from retailers;  
31 and

32 (8) To ensure equitable contributions to the funding ~~911~~ of emergency systems from  
33 consumers of prepaid wireless telecommunication services, the collection and payment obligation  
34 of charges to support ~~E911~~ the state's first responder and emergency services should be imposed

1 upon the consumer's retail purchase of the prepaid wireless telecommunication service and should  
2 be in the form of single, statewide charge that is collected once at the time of purchase directly  
3 from the consumer, remitted to the state, and distributed to E911 authorities pursuant to state law.

4 **39-21.2-3. Definitions.**

5 For purposes of this act, the following terms shall have the following meanings:

6 (1) "Consumer" means a person who purchase prepaid wireless telecommunications  
7 service in a retail transaction.

8 (2) "Division" means the division of taxation.

9 (3) "Prepaid wireless ~~E911~~ charge" means the charge that is required to be collected by a  
10 seller from a consumer in the amount established under section 4 of this act.

11 (4) "Prepaid wireless telecommunications service" means a wireless telecommunications  
12 service that allows a caller to dial 911 to access the 911 system, which service must be paid for in  
13 advance and is sold in predetermined units or dollars of which the number declines with use in a  
14 known amount.

15 (5) "Provider" means a person that provides prepaid wireless telecommunications service  
16 pursuant to a license issued by the Federal Communications Commission.

17 (6) "Retail transaction" means the purchase of prepaid wireless telecommunications service  
18 from a seller for any purpose other than resale.

19 (7) "Seller" means a person who sells prepaid wireless telecommunications service to  
20 another person.

21 (8) "Wireless telecommunications service" means commercial mobile radio service as  
22 defined by section 20.3 of title 47 of the code of Federal Regulations, as amended.

23 **~~39-21.2-4. Collection and remittance of E911 charge. Collection and remittance of~~**  
24 **~~charge. The emergency services and first response surcharge.~~**

25 (a) Amount of charge. The prepaid wireless ~~E911~~ charge is hereby levied at the rate of two  
26 and one-half percent (2.5%) per retail transaction or, on and after the effective date of an adjusted  
27 amount per retail transaction that is established under subsection (f) of this section, such adjusted  
28 amount.

29 (b) Collection of charge. The prepaid wireless ~~E911~~ charge shall be collected by the seller  
30 from the consumer with respect to each retail transaction occurring in this state. The amount of the  
31 prepaid wireless ~~E911~~ charge shall be either separately stated on an invoice, receipt, or other similar  
32 document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

33 (c) Application of charge. For purposes of subsection (b) of this section, a retail transaction  
34 that is effected in person by a consumer at a business location of the seller shall be treated as

1 occurring in this state if that business location is in this state, and any other retail transaction shall  
2 be treated as occurring in this state if the retail transaction is treated as occurring in this state for  
3 purposes of chapter 18 of title 44 of the general laws.

4 (d) Liability for charge. The prepaid wireless ~~E911~~ charge is the liability of the consumer  
5 and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid  
6 wireless ~~E911~~ charges that the seller collects from consumers as provided in § 39-21.2-5, including  
7 all such charges that the seller is deemed to collect where the amount of the charge has not been  
8 separately stated on an invoice, receipt, or other similar document provided to the consumer by the  
9 seller.

10 (e) Exclusion of ~~E911~~ charge from base of other taxes and fees. The amount of the prepaid  
11 wireless ~~E911~~ charge that is collected by a seller from a consumer, if such amount is separately  
12 stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall  
13 not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed  
14 by this state, any political subdivision of this state, or any intergovernmental agency, including, but  
15 not limited to, the tax imposed under chapter 18 of title 44 nor be included within the telephone  
16 common carrier's gross earnings for the purpose of computing the tax under chapter 13 of title 44.

17 (f) Re-setting of charge. The prepaid wireless ~~E911~~ charge shall be proportionately  
18 increased or reduced, as applicable, upon any change to the state ~~E911~~ charge on postpaid wireless  
19 telecommunications service under § 39-21.1-14 or subdivision 39-1-62(d)(2). The adjusted amount  
20 shall be determined by dividing the sum of the surcharges imposed under § 39-21.1-14 and  
21 subdivision 39-1-62(d)(2) by fifty dollars (\$50.00). Such increase or reduction shall be effective on  
22 the effective date of the change to the postpaid charge or, if later, the first day of the first calendar  
23 month to occur at least sixty (60) days after the enactment of the change to the postpaid charge.  
24 The division shall provide not less than thirty (30) days of advance notice of such increase or  
25 reduction on the division's website.

26 (g) Bundled transactions. When prepaid wireless telecommunications service is sold with  
27 one or more other products or services for a single, non-itemized price, then the percentage  
28 specified in subsection (a) of this section shall apply to the entire non-itemized prices unless the  
29 seller elects to apply such percentage (1) If the amount of prepaid wireless telecommunications  
30 service is disclosed to the consumer as a dollar amount, such dollar amount, or (2) If the retailer  
31 can identify the portion of the price that is attributable to the prepaid wireless telecommunications  
32 service, by reasonable and verifiable standards from its books and records that are kept in the  
33 regular course of business for other purposes, including, but not limited to, non-tax purposes, such  
34 portion.

1           However, if a minimal amount of prepaid wireless telecommunications service is sold with  
2 a prepaid wireless device for a single, non-itemized price, then the seller may elect not to apply the  
3 percentage specified in subsection (a) of this section to such transaction. For purposes of this  
4 paragraph, an amount of service denominated as ten (10) minutes or less, or five dollars (\$5.00) or  
5 less, is minimal.

6           **39-21.2-7. Exclusivity of prepaid wireless E911 charge. Exclusivity of prepaid wireless**  
7 **charge.**

8           The prepaid wireless ~~E911~~ charge imposed by this act shall be the only E911 funding  
9 obligation imposed with respect to prepaid wireless telecommunications service in this state, and  
10 no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of  
11 this state, or any intergovernmental agency, for E911 funding purposes, upon any provider, sellers,  
12 or consumer with respect to the sale, purchase, use, or provision of prepaid wireless  
13 telecommunications service.

14           SECTION 11. Sections 42-11-2.5 and 42-11-2.6 of the General Laws in Chapter 42-11  
15 entitled "Department of Administration" are hereby amended to read as follows:

16           **42-11-2.5. Information technology investment fund.**

17           (a) All sums from the sale of any land and the buildings and improvements thereon, and  
18 other real property, title to which is vested in the state, except as provided in §§ 37-7-15(b) and 37-  
19 7-15(c), shall be transferred to an information technology investment fund restricted-receipt  
20 account that is hereby established. This fund shall consist of such sums from the sale of any land  
21 and the buildings and improvements thereon, and other real property, title to which is vested in the  
22 state, except as provided in §§ 37-7-15(b) and 37-7-15(c), as well as a share of ~~E-911-Uniform~~  
23 ~~Emergency Telephone System surcharge~~ emergency services and first response surcharge revenues  
24 collected under the provisions of § 39-21.1-14. This fund may also consist of such sums as the state  
25 may from time to time appropriate; as well as money received from the disposal of information  
26 technology equipment, loan, interest, and service charge payments from benefiting state agencies;  
27 as well as interest earnings, money received from the federal government, gifts, bequest, donations,  
28 or otherwise from any public or private source. Any such funds shall be exempt from the indirect  
29 cost recovery provisions of § 35-4-27.

30           (b) This fund shall be used for the purpose of acquiring information technology  
31 improvements, including, but not limited to: hardware, software, consulting services, and ongoing  
32 maintenance and upgrade contracts for state departments and agencies.

33           (c) The division of enterprise technology strategy and service of the Rhode Island  
34 department of administration shall adopt rules and regulations consistent with the purposes of this

1 chapter and chapter 35 of title 42, in order to provide for the orderly and equitable disbursement of  
2 funds from this account.

3 (d) For all requests for proposals that are issued for information technology projects, a  
4 corresponding information technology project manager shall be assigned.

5 **42-11-2.6. Office of Digital Excellence established.**

6 (a) Within the department, division of enterprise technology strategy and services, there  
7 shall be established the Office of Digital Excellence. The purposes of the office shall be to move  
8 Rhode Island state government into the 21st century through the incorporation of innovation and  
9 modern digital capabilities throughout state government and to leverage technology to expand and  
10 improve the quality of services provided to Rhode Island citizens; to promote greater access to  
11 government and the internet throughout cities and towns; and to position Rhode Island as a national  
12 leader in e-government.

13 (b) Within the office, there shall be a chief digital officer who shall be appointed by the  
14 director of administration with the approval of the governor and who shall be in the unclassified  
15 service. The chief digital officer shall report to the director of administration and be required to:

16 (1) Manage the implementation of all new and mission-critical technology infrastructure  
17 projects and upgrades for state agencies. The division of enterprise technology strategy and  
18 services, established pursuant to § 42-11-2.8, shall continue to manage and support all day-to-day  
19 operations of the state's technology infrastructure, telecommunications, and associated  
20 applications;

21 (2) Increase the number of government services that can be provided online in order to  
22 allow residents and businesses to complete transactions in a more efficient and transparent manner;

23 (3) Improve the state's websites to provide timely information to online users and as many  
24 government services as possible online; and

25 (4) Establish, improve, and enhance the state's use of social media and mobile technological  
26 applications.

27 (c) The office shall coordinate its efforts with the division of enterprise technology strategy  
28 and services in order to plan, allocate, and implement projects supported by the information  
29 technology investment fund established pursuant to § 42-11-2.5.

30 (d) All intellectual property created as a result of work undertaken by employees of the  
31 office shall remain the property of the state of Rhode Island and Providence Plantations. Any  
32 patents applied for shall be in the name of the state.

33 (e) The director of administration may promulgate rules and regulations recommended by  
34 the chief digital officer in order to effectuate the purposes and requirements of this act.

1 (f) The chief digital officer shall report no later than January 31, 2013, and every January  
2 31 thereafter, to the governor, the speaker of the house of representatives, and the senate president  
3 regarding the implementation status of all technology infrastructure projects; website  
4 improvements; number of e-government transactions and revenues generated; projects supported  
5 by the information technology investment fund; and all other activities undertaken by the office.  
6 The report shall also include planned use for projects related to public safety communications and  
7 emergency services, recommendations on the development of and opportunities for shared  
8 implementation and delivery of these services among municipalities, and strategies for such shared  
9 services. The annual report shall be posted on the office's website.

10 SECTION 12. This article shall take effect July 1, 2018.

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**ARTICLE 8 AS AMENDED**

RELATING TO MOTOR VEHICLES

SECTION 1. Section 31-3-33 of the General Laws in Chapter 31-3 entitled "Registration of Vehicles" is hereby amended to read as follows:

**31-3-33. Renewal of registration.**

(a) Application for renewal of a vehicle registration shall be made by the owner on a proper application form and by payment of the registration fee for the vehicle as provided by law.

(b) The division of motor vehicles may receive applications for renewal of registration, and may grant the renewal and issue new registration cards and plates at any time prior to expiration of registration.

(c) Upon renewal, owners will be issued a renewal sticker for each registration plate that shall be placed at the bottom, right-hand corner of the plate. Owners shall be issued a new, fully reflective plate beginning January 1, ~~2019~~2020, at the time of initial registration or at the renewal of an existing registration and reissuance will be conducted no less than every ten (10) years.

SECTION 2. Section 31-10-31 of the General Laws in Chapter 31-10 entitled "Operators' and Chauffeurs' Licenses" is hereby amended to read as follows:

**31-10-31. Fees.**

The following fees shall be paid to the division of motor vehicles:

- (1) For every operator's first license to operate a motor vehicle, twenty-five dollars (\$25.00);
- (2) For every chauffeur's first license, twenty-five dollars (\$25.00); provided, that when a Rhode Island licensed operator transfers to a chauffeur's license, the fee for the transfer shall be two dollars (\$2.00);
- (3) For every learner's permit to operate a motorcycle, twenty-five dollars (\$25.00);
- (4) For every operator's first license to operate a motorcycle, twenty-five dollars (\$25.00);
- (5) For every renewal of an operator's or chauffeur's license, thirty dollars (\$30.00); with the exception of any person seventy-five (75) years of age or older for whom the renewal fee will be eight dollars (\$8.00);
- (6) For every duplicate operator's or chauffeur's license; and every routine information update, i.e., name change or address change, twenty-five dollars (\$25.00);

1 (7) For every certified copy of any license, permit, or application issued under this chapter,  
2 ten dollars (\$10.00);

3 (8) For every duplicate instruction permit, ten dollars (\$10.00);

4 (9) For every first license examination, five dollars (\$5.00);

5 ~~(10) For every routine information update, i.e., name change or address change, five dollars~~  
6 ~~(\$5.00);~~

7 ~~(11)~~ (10) For surrender of an out-of-state license, in addition to the above fees, five dollars  
8 (\$5.00).

9 SECTION 3. Section 39-18.1-4 of the General Laws in Chapter 39-18.1 entitled  
10 "Transportation Investment and Debt Reduction Act of 2011" is hereby amended to read as follows:

11 **39-18.1-4. Rhode Island highway maintenance account created.**

12 (a) There is hereby created a special account in the intermodal surface transportation fund  
13 as established in § 31-36-20 that is to be known as the Rhode Island highway maintenance account.

14 (b) The fund shall consist of all those moneys that the state may from time to time direct  
15 to the fund, including, but not necessarily limited to, moneys derived from the following sources:

16 (1) There is imposed a surcharge of thirty dollars (\$30.00) per vehicle or truck, other than  
17 those with specific registrations set forth below in subsection (b)(1)(i). Such surcharge shall be paid  
18 by each vehicle or truck owner in order to register that owner's vehicle or truck and upon each  
19 subsequent biennial registration. This surcharge shall be phased in at the rate of ten dollars (\$10.00)  
20 each year. The total surcharge will be ten dollars (\$10.00) from July 1, 2013, through June 30,  
21 2014, twenty dollars (\$20.00) from July 1, 2014, through June 30, 2015, and thirty dollars (\$30.00)  
22 from July 1, 2015, through June 30, 2016, and each year thereafter.

23 (i) For owners of vehicles or trucks with the following plate types, the surcharge shall be  
24 as set forth below and shall be paid in full in order to register the vehicle or truck and upon each  
25 subsequent renewal:

| 26 Plate Type | Surcharge |
|---------------|-----------|
| 27 Antique    | \$5.00    |
| 28 Farm       | \$10.00   |
| 29 Motorcycle | \$13.00   |

30 (ii) For owners of trailers, the surcharge shall be one-half (1/2) of the biennial registration  
31 amount and shall be paid in full in order to register the trailer and upon each subsequent renewal.

32 (2) There is imposed a surcharge of fifteen dollars (\$15.00) per vehicle or truck, other than  
33 those with specific registrations set forth in subsection (b)(2)(i) below, for those vehicles or trucks  
34 subject to annual registration, to be paid annually by each vehicle or truck owner in order to register

1 that owner's vehicle, trailer or truck and upon each subsequent annual registration. This surcharge  
2 will be phased in at the rate of five dollars (\$5.00) each year. The total surcharge will be five dollars  
3 (\$5.00) from July 1, 2013, through June 30, 2014, ten dollars (\$10.00) from July 1, 2014, through  
4 June 30, 2015, and fifteen dollars (\$15.00) from July 1, 2015, through June 30, 2016, and each year  
5 thereafter.

6 (i) For registrations of the following plate types, the surcharge shall be as set forth below  
7 and shall be paid in full in order to register the plate, and upon each subsequent renewal:

| 8 Plate Type       | Surcharge |
|--------------------|-----------|
| 9 Boat Dealer      | \$6.25    |
| 10 Cycle Dealer    | \$6.25    |
| 11 In-transit      | \$5.00    |
| 12 Manufacturer    | \$5.00    |
| 13 New Car Dealer  | \$5.00    |
| 14 Used Car Dealer | \$5.00    |
| 15 Racer Tow       | \$5.00    |
| 16 Transporter     | \$5.00    |
| 17 Bailee          | \$5.00    |

18 (ii) For owners of trailers, the surcharge shall be one-half (1/2) of the annual registration  
19 amount and shall be paid in full in order to register the trailer and upon each subsequent renewal.

20 (iii) For owners of school buses, the surcharge will be phased in at the rate of six dollars  
21 and twenty-five cents (\$6.25) each year. The total surcharge will be six dollars and twenty-five  
22 cents (\$6.25) from July 1, 2013, through June 30, 2014, and twelve dollars and fifty cents (\$12.50)  
23 from July 1, 2014, through June 30, 2015, and each year thereafter.

24 (3) There is imposed a surcharge of thirty dollars (\$30.00) per license to operate a motor  
25 vehicle to be paid every five (5) years by each licensed operator of a motor vehicle. This surcharge  
26 will be phased in at the rate of ten dollars (\$10.00) each year. The total surcharge will be ten dollars  
27 (\$10.00) from July 1, 2013, through June 30, 2014, twenty dollars (\$20.00) from July 1, 2014,  
28 through June 30, 2015, and thirty dollars (\$30.00) from July 1, 2015, through June 30, 2016, and  
29 each year thereafter. In the event that a license is issued or renewed for a period of less than five  
30 (5) years, the surcharge will be prorated according to the period of time the license will be valid.

31 (c) All funds collected pursuant to this section shall be deposited in the Rhode Island  
32 highway maintenance account and shall be used only for the purposes set forth in this chapter.

33 (d) Unexpended balances and any earnings thereon shall not revert to the general fund but  
34 shall remain in the Rhode Island highway maintenance account. There shall be no requirement that

1 monies received into the Rhode Island highway maintenance account during any given calendar  
2 year or fiscal year be expended during the same calendar year or fiscal year.

3 (e) The Rhode Island highway maintenance account shall be administered by the director,  
4 who shall allocate and spend monies from the fund only in accordance with the purposes and  
5 procedures set forth in this chapter.

6 (4) All fees assessed pursuant to § 31-47.1-11, and chapters 3, 6, 10, and 10.1 of title 31,  
7 except for fees assessed pursuant to §§ 31-10-31(6) and (31)(8). shall be deposited into the Rhode  
8 Island highway maintenance account, provided that for fiscal years 2016, 2017, and 2018 these fees  
9 be transferred as follows:

10 (i) From July 1, 2015, through June 30, 2016, twenty-five percent (25%) will be deposited;

11 (ii) From July 1, 2016, through June 30, 2017, fifty percent (50%) will be deposited; and

12 (iii) From July 1, 2017, through June 30, 2018 ~~eighty percent (80%)~~ sixty percent (60%)  
13 will be deposited;

14 (iv) From July 1, 2018, and each year thereafter, one hundred percent (100%) will be  
15 deposited;

16 (5) All remaining funds from previous general obligation bond issues that have not  
17 otherwise been allocated.

18 SECTION 4. Section 31-8-4 of the General Laws in Chapter 31-8 entitled "Motor and other  
19 Vehicles", is hereby amended to read as follows:

20 **31-8-4. Suspension or revocation of registration or certificate of title.**

21 (a) The division of motor vehicles is authorized to suspend or revoke the registration of a  
22 vehicle or a certificate of title, registration card, or registration plate, or any nonresident or other  
23 permit, in any of the following events:

24 (1) When the division of motor vehicles is satisfied that the registration or that the  
25 certificate, card, plate, or permit was fraudulently or erroneously issued;

26 (2) When the division of motor vehicles determines that a registered vehicle is  
27 mechanically unfit or unsafe to be operated or moved upon the highways;

28 (3) When a registered vehicle has been dismantled or wrecked;

29 (4) When the division of motor vehicles determines that the required fee has not been paid  
30 and the fee is not paid upon reasonable notice and demand;

31 (5) When a registration plate or permit is knowingly displayed upon a vehicle other than  
32 the one for which issued;

33 (6) When the division of motor vehicles determines that the owner has committed any  
34 offense under chapters 3 -- 9 of this title involving the registration or the certificate, card, plate, or

1 permit to be suspended or revoked; or

2 (7) When the division of motor vehicles is so authorized under any other provision of law.

3 (8) Upon receipt or notice the carrier and/or operator of a commercial motor vehicle has  
4 violated or is not in compliance with 49 CFR 386.72 or 49 CFR 390.5 et seq. of the motor carrier  
5 safety regulation or chapter 23 of this title.

6 (b) Upon removal of cause for which the registration or certificate of title was revoked,  
7 denied or suspended, the division of motor vehicles shall require the registrant or applicant to pay  
8 a restoration fee of two hundred and fifty dollars (\$250.00), provided that no restoration fee shall  
9 be required if the revocation, denial or suspension was issued pursuant to subsection (a)(2) of this  
10 section, §§ 31-38-2, 31-38-3, 31-38-4 or 31-47.1-3."

11 SECTION 5. This article shall take effect upon passage.



1 shall be one percent (1%), for FY 2020, that amount shall be one and one-half percent (1.5%), for  
2 FY 2021 that amount shall be two percent (2%), and for FY 2022 that amount shall be two and  
3 one-half percent (2.5%).

4 (2) A minimum of three percent (3%) of the replacement value shall be dedicated  
5 exclusively for maintenance expenditures as defined in § 16-7-36(11) provided that for FY 2019,  
6 that amount shall be one percent (1%), for FY 2020 that amount shall be one and one-half percent  
7 (1.5%), for FY 2021 that amount shall be two percent (2%), and for FY 2022 that amount shall be  
8 two and one-half percent (2.5%).

9 (3) A minimum of three dollars (\$3.00), subject to inflation, per square foot of building  
10 space shall be dedicated exclusively for maintenance expenditures as defined in § 16-7-36(11).

11 (c) The department of elementary and secondary education shall be responsible for  
12 establishing a reporting mechanism to ensure the intent of this section is being met. In the event  
13 that a district does not meet its minimum expenditure requirement in a given year, the state shall  
14 direct state housing aid paid pursuant to § 16-7-41-or § 16-105-5, in an amount equal to the  
15 shortfall, to a restricted fund created by the district and dedicated solely to meeting maintenance  
16 requirements.

17 ~~(b)~~(d) Whenever any state funds are appropriated for educational purposes, the funds shall  
18 be used for educational purposes only and all state funds appropriated for educational purposes  
19 must be used to supplement any and all money allocated by a city or town for educational purposes  
20 and, in no event, shall state funds be used to supplant, directly or indirectly, any money allocated  
21 by a city or town for educational purposes. All state funds shall be appropriated by the municipality  
22 to the school committee for educational purposes in the same fiscal year in which they are  
23 appropriated at the state level even if the municipality has already adopted a school budget. All  
24 state and local funds unexpended by the end of the fiscal year of appropriation shall remain a  
25 surplus of the school committee and shall not revert to the municipality. Any surplus of state or  
26 local funds appropriated for educational purposes shall not in any respect affect the requirement  
27 that each community contribute local funds in an amount not less than its local contribution for  
28 schools in the previous fiscal year, subject to subsection (a) of this section, and shall not in any  
29 event be deducted from the amount of the local appropriation required to meet the maintenance of  
30 effort provision in any given year.

31 **16-7-36. Definitions.**

32 The following words and phrases used in §§ 16-7-35 to 16-7-47 have the following  
33 meanings:

34 (1) "Adjusted equalized weighted assessed valuation" means the equalized weighted

1 assessed valuation for a community as determined by the division of property valuation within the  
2 department of revenue in accordance with § 16-7-21; provided, however, that in the case of a  
3 regional school district the commissioner of elementary and secondary education shall apportion  
4 the adjusted equalized weighted assessed valuation of the member cities or towns among the  
5 regional school district and the member cities or towns according to the proportion that the number  
6 of pupils of the regional school district bears to the number of pupils of the member cities or towns.

7 (2) "Approved project" means a project which has complied with the administrative  
8 regulations governing §§ 16-7-35 through 16-7-47, and which has been authorized to receive state  
9 school housing reimbursement by the commissioner of elementary and secondary education.

10 (3) "Commissioning Agent" means a person or entity who ensures that systems are  
11 designed, installed, functionally tested, and capable of being operated and maintained to perform  
12 in conformity with the design intent of a project.

13 ~~(3)~~(4) "Community" means any city, town, or regional school district established pursuant  
14 to law; provided, however, that the member towns of the Chariho regional high school district,  
15 created by P.L. 1958, ch. 55, as amended, shall constitute separate and individual communities for  
16 the purposes of distributing the foundation level school support for school housing for all grades  
17 financed in whole or in part by the towns irrespective of any regionalization.

18 (5) "Facilities Condition Index" means the cost to fully repair the building divided by the  
19 cost to replace the building as determined by the school building authority.

20 (6) "Functional Utilization" means the ratio of the student population within a school  
21 facility to the capacity of the school facility to adequately serve students as defined by the school  
22 building authority.

23 (7) "Owners Program Manager" means owner's program manager as defined in § 37-2-7.

24 (8) "Prime contractor" means the construction contractor who is responsible for the  
25 completion of a project.

26 ~~(4)~~(9) "Reference year" means the year next prior to the school year immediately preceding  
27 that in which aid is to be paid.

28 (10) "Subject to inflation" means the base amount multiplied by the percentage of increase  
29 in the Producer Price Index (PPI) Data for Nonresidential Building Construction (NAICS 236222)  
30 as published by the United States Department of Labor, Bureau of Labor Statistics determined as  
31 of September 30 of the prior calendar year.

32 (11) "Maintenance expenditures" means amounts spent for repairs or replacements for the  
33 purpose of keeping a school facility open and safe for use, including repairs, maintenance, and  
34 replacements to a school facility's heating, lighting, ventilation, security and other fixtures to keep

1 [the facility or fixtures in effective working condition. Maintenance shall not include contracted or](#)  
2 [direct custodial or janitorial services, expenditures for the cleaning of a school facility or its](#)  
3 [fixtures, the care and upkeep of grounds, recreational facilities, or parking lots, or the cleaning of](#)  
4 [or repairs and replacements to movable furnishings or equipment.](#)

5 **16-7-39. Computation of school housing aid ratio.**

6 For each community, the percent of state aid for school housing costs shall be computed in  
7 the following manner:

8 (1) The adjusted equalized weighted assessed valuation for the district is divided by the  
9 resident average daily membership for the district (grades twelve (12) and below); (2) the adjusted  
10 equalized weighted assessed valuation for the state is divided by the resident average daily  
11 membership for the state (grades twelve (12) and below); (1) is then divided by (2) and the resultant  
12 ratio is multiplied by a factor currently set at sixty-two percent (62%) which represents the  
13 approximate average district share of school support; the resulting product is then subtracted from  
14 one hundred percent (100%) to yield the housing aid share ratio, provided that in no case shall the  
15 ratio be less than thirty percent (30%). Provided, that effective July 1, 2010, and annually at the  
16 start of each fiscal year thereafter, the thirty percent (30%) floor on said housing aid share shall be  
17 increased by five percent (5%) increments each year until said floor on the housing aid share ratio  
18 reaches a minimum of not less than forty percent (40%). This provision shall apply only to school  
19 housing projects completed after June 30, 2010 that received approval from the board of regents  
20 prior to June 30, 2012. Provided further, for the fiscal year beginning July 1, 2012 and for  
21 subsequent fiscal years, the minimum housing aid share shall be thirty-five percent (35%) for all  
22 projects receiving ~~board of regents~~ [council on elementary and secondary education](#) approval after  
23 June 30, 2012. The resident average daily membership shall be determined in accordance with §  
24 16-7-22(1).

25 [\(2\) No district shall receive a combined total of more than twenty \(20\) incentive percentage](#)  
26 [points for projects that commence construction by December 30, 2023, and five \(5\) incentive points](#)  
27 [for projects that commence construction thereafter; provided further, these caps shall be in addition](#)  
28 [to amounts received under §§ 16-7-40\(a\)\(1\) and 16-7-40\(a\)\(2\). Furthermore, a district's share shall](#)  
29 [not be decreased by more than half of its regular share irrespective of the number of incentive points](#)  
30 [received nor shall a district's state share increase by more than half of its regular share, including](#)  
31 [amounts received under §§ 16-7-40\(a\)\(1\) and 16-7-40\(a\)\(2\), irrespective of the number of incentive](#)  
32 [points received.](#)

33 ~~**16-7-40 Increased school housing ratio for regional schools — Energy conservation —**~~  
34 ~~**Access for people with disabilities — Asbestos removal projects**~~ **Increased school housing**

1 ratio.

2 (a)(1) In the case of regional school districts, the school housing aid ratio shall be increased  
3 by two percent (2%) for each grade so consolidated.

4 (2) Regional school districts undertaking renovation project(s) shall receive an increased  
5 share ratio of four percent (4%) for those specific project(s) only, in addition to the combined share  
6 ratio calculated in § 16-7-39 and this subsection.

7 ~~(b) In the case of projects undertaken by regionalized and/or non-regionalized school~~  
8 ~~districts specifically for the purposes of energy conservation, access for people with disabilities,~~  
9 ~~and/or asbestos removal, the school housing aid share ratio shall be increased by four percent (4%)~~  
10 ~~for these specific projects only, in the calculation of school housing aid. The increased share ratio~~  
11 ~~shall continue to be applied for as long as the project(s) receive state housing aid. In order to qualify~~  
12 ~~for the increased share ratio, seventy-five percent (75%) of the project costs must be specifically~~  
13 ~~directed to either energy conservation, access for people with disabilities, and/or asbestos removal~~  
14 ~~or any combination of these projects. The board of regents for elementary and secondary education~~  
15 ~~shall promulgate rules and regulations for the administration and operation of this section. In the~~  
16 ~~case of projects undertaken by districts specifically for the purposes of school safety and security,~~  
17 ~~the school housing aid share ratio shall be increased by five percent (5%) for these specific projects~~  
18 ~~only, in the calculation of school housing aid. The increased share ratio shall continue to be applied~~  
19 ~~for as long as the project(s) receives state housing aid. In order to qualify for the increased share~~  
20 ~~ratio, seventy-five percent (75%) of the project costs must be specifically directed to school safety~~  
21 ~~and security measures. The council on elementary and secondary education shall promulgate rules~~  
22 ~~and regulations for the administration and operation of this section.~~

23 ~~(c) Upon the transfer of ownership from the state to the respective cities and towns of the~~  
24 ~~regional career and technical center buildings located in Cranston, East Providence, Newport,~~  
25 ~~Providence, Warwick, Woonsoeket and the Chariho regional school district, the school housing aid~~  
26 ~~share ratio shall be increased by four percent (4%) for the renovation and/or repair of these~~  
27 ~~buildings. To qualify for the increased share ratio, as defined in § 16-7-39, renovation and repair~~  
28 ~~projects must be submitted for approval through the necessity of school construction process prior~~  
29 ~~to the end of the second full fiscal year following the transfer of ownership and assumption of local~~  
30 ~~care and control of the building. Only projects at regional career and technical centers that have~~  
31 ~~full program approval from the department of elementary and secondary education shall be eligible~~  
32 ~~for the increased share ratio. The increased share ratio shall continue to be applied for as long as~~  
33 ~~the renovation and/or repair project receives school housing aid. For purposes of addressing health~~  
34 ~~and safety deficiencies as defined by the school building authority, including the remediation of~~

1 hazardous materials, the school housing aid ratio shall be increased by five percent (5%) so long as  
2 the construction of the project commences by December 30, 2022, is completed by December 30,  
3 2027, and a two hundred fifty million dollar (\$250,000,000) general obligation bond is approved  
4 on the November 2018 ballot. In order to qualify for the increased share ratio, twenty-five percent  
5 (25%) of the project costs or a minimum of five hundred thousand dollars (\$500,000) must be  
6 specifically directed to this purpose.

7 (d) For purposes of educational enhancement, including projects devoted to the  
8 enhancement of early childhood education and career and technical education, the school housing  
9 aid ratio shall be increased by five percent (5%) so long as construction of the project commences  
10 by December 30, 2022, is completed by December 30, 2027, and a two hundred fifty million dollar  
11 (\$250,000,000) general obligation bond is approved on the November 2018 ballot. In order to  
12 qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum  
13 of five hundred thousand dollars (\$500,000) must be specifically directed to these purposes.

14 (e) For replacement of a facility that has a Facilities Condition Index of sixty-five percent  
15 (65%) or higher, the school housing ratio shall be increased by five percent (5%) so long as  
16 construction of the project commences by December 30, 2023, is completed by December 30, 2028,  
17 does not receive a bonus pursuant to § 16-7-40(f) or § 16-7-40(g), and a two hundred fifty million  
18 dollar (\$250,000,000) general obligation bond is approved on the November 2018 ballot. In order  
19 to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum  
20 of five hundred thousand dollars (\$500,000) must be specifically directed to this purpose.

21 (f) For any new construction or renovation that increases the functional utilization of any  
22 facility from less than sixty percent (60%) to more than eight percent (80%), including the  
23 consolidation of school buildings within or across districts, the school housing aid ratio shall be  
24 increased by five percent (5%) so long as construction of the project commences by December 30,  
25 2023, is completed by December 30, 2028, and a two hundred fifty million dollar (\$250,000,000)  
26 general obligation bond is approved on the November 2018 ballot. In order to qualify for the  
27 increased share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred  
28 thousand dollars (\$500,000) must be specifically directed to this purpose.

29 (g) For any new construction or renovation that decreases the functional utilization of any  
30 facility from more than one hundred twenty percent (120%) to between eighty-five percent (85%)  
31 to one hundred five percent (105%), the school housing ratio shall be increased by five percent  
32 (5%) so long as construction of the project commences by December 30, 2023, is completed by  
33 December 30, 2028, and a two hundred fifty million dollar (\$250,000,000) general obligation bond  
34 is approved on the November 2018 ballot. In order to qualify for the increased share ratio, twenty-

1 five percent (25%) of the project costs or a minimum of five hundred thousand dollars (\$500,000)  
2 must be specifically directed to this purpose.

3 (h) For consolidation of two (2) or more school buildings, within or across districts into  
4 one school building, the school housing aid ratio shall be increased by five percent (5%) so long as  
5 construction of the project commences by December 30, 2023, is completed by December 30, 2028,  
6 a two hundred fifty million dollar (\$250,000,000) general obligation bond is approved on the  
7 November 2018 ballot, and does not receive a bonus pursuant to § 16-7-40(f) or § 16-7-40(g). In  
8 order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a  
9 minimum of five hundred thousand dollars (\$500,000) must be specifically directed to this purpose.

10 (i) Any regionalized and/or non-regionalized school district receiving an increased share  
11 ratio for a project approved prior to July 1, 2018, shall continue to receive the increased share ratio  
12 for as long as the project receives state housing aid.

13 **16-7-41 Computation of school housing aid.**

14 (a) In each fiscal year the state shall pay to each community a grant to be applied to the  
15 cost of school housing equal to the following:

16 The cost of each new school housing project certified to the commissioner of elementary  
17 and secondary education not later than July 15 of the fiscal year shall be divided by the actual  
18 number of years of the bond issued by the local community or the Rhode Island Health and  
19 Educational Building Corporation in support of the specific project, times the school housing aid  
20 ratio; and provided, further, with respect to costs of new school projects financed with proceeds of  
21 bonds issued by the local community or the Rhode Island Health and Educational Building  
22 Corporation in support of the specific project, the amount of the school housing aid payable in each  
23 fiscal year shall not exceed the amount arrived at by multiplying the principal and interest of the  
24 bonds payable in each fiscal year by the school housing aid ratio and which principal and interest  
25 amount over the life of the bonds, shall, in no event, exceed the costs of each new school housing  
26 project certified to the commissioner of elementary and secondary education. If a community fails  
27 to specify or identify the appropriate reimbursement schedule, the commissioner of elementary and  
28 secondary education may at his or her discretion set up to a five (5) year reimbursement cycle for  
29 projects under five hundred thousand dollars (\$500,000); up to ten (10) years for projects up to  
30 three million dollars (\$3,000,000); and up to twenty (20) years for projects over three million  
31 dollars (\$3,000,000).

32 (b) Aid shall be provided for the same period as the life of the bonds issued in support of  
33 the project and at the school housing aid ratio applicable to the local community as set forth in §  
34 16-7-39 at the time ~~of the bonds issued in support of the project as set forth in § 16-7-39~~ the project

1 [is approved by the council on elementary and secondary education.](#)

2 (c) Aid shall be paid either to the community or in the case of projects financed through  
3 the Rhode Island Health and Educational Building, to the Rhode Island Health and Educational  
4 Building Corporation or its designee including, but not limited to, a trustee under a bond indenture  
5 or loan and trust agreement, in support of bonds issued for specific projects of the local community  
6 in accordance with this section, § 16-7-40 and § 16-7-44. Notwithstanding the preceding, in case  
7 of failure of any city, town or district to pay the amount due in support of bonds issued on behalf  
8 of a city, town, school or district project financed by the Rhode Island Health and Educational  
9 Building Corporation, upon notification by the Rhode Island Health and Educational Building  
10 Corporation, the general treasurer shall deduct the amount from aid provided under this section, §  
11 16-7-40, § 16-7-44 and § 16-7-15 through § 16-7-34.3 due the city, town or district and direct said  
12 funding to the Rhode Island Health and Educational Building Corporation or its designee.

13 (d) Notwithstanding any provisions of law to the contrary, in connection with the issuance  
14 of refunding bonds benefiting any local community, any net interest savings resulting from the  
15 refunding bonds issued by such community or a municipal public buildings authority for the benefit  
16 of the community or by the Rhode Island health and educational building corporation for the benefit  
17 of the community, in each case in support of school housing projects for the community, shall be  
18 allocated between the community and the state of Rhode Island, by applying the applicable school  
19 housing aid ratio at the time of issuance of the refunding bonds, calculated pursuant to § 16-7-39,  
20 that would otherwise apply in connection with school housing projects of the community; provided  
21 however, that for any refundings that occur between July 1, 2013 and December 31, 2015, the  
22 community shall receive eighty percent (80%) of the total savings and the state shall receive twenty  
23 percent (20%). In connection with any such refunding of bonds, the finance director or the chief  
24 financial officer of the community shall certify such net interest savings to the commissioner of  
25 elementary and secondary education. Notwithstanding § 16-7-44 or any other provision of law to  
26 the contrary, school housing projects costs in connection with any such refunding bond issue shall  
27 include bond issuance costs incurred by the community, the municipal public buildings authority  
28 or the Rhode Island health and educational building corporation, as the case may be, in connection  
29 therewith. In connection with any refunding bond issue, school housing project costs shall include  
30 the cost of interest payments on such refunding bonds, if the cost of interest payments was included  
31 as a school housing cost for the bonds being refunded. A local community or municipal public  
32 buildings authority shall not be entitled to the benefits of this subsection (d) unless the net present  
33 value savings resulting from the refunding is at least three percent (3%) of the refunded bond issue.

34 (e) Any provision of law to the contrary notwithstanding, the commissioner of elementary

1 and secondary education shall cause to be monitored the potential for refunding outstanding bonds  
2 of local communities or municipal public building authorities or of the Rhode Island Health and  
3 Educational Building Corporation issued for the benefit of local communities or municipal public  
4 building authorities and benefiting from any aid referenced in this section. In the event it is  
5 determined by said monitoring that the net present value savings which could be achieved by  
6 refunding such bonds of the type referenced in the prior sentence including any direct costs  
7 normally associated with such refundings is equal to (i) at least one hundred thousand dollars  
8 (\$100,000) and (ii) for the state and the communities or public building authorities at least three  
9 percent (3%) of the bond issue to be refunded including associated costs then, in such event, the  
10 commissioner (or his or her designee) may direct the local community or municipal public building  
11 authority for the benefit of which the bonds were issued, to refund such bonds. Failure of the local  
12 community or municipal public buildings authority to timely refund such bonds, except due to  
13 causes beyond the reasonable control of such local community or municipal public building  
14 authority, shall result in the reduction by the state of the aid referenced in this § 16-7-4.1 associated  
15 with the bonds directed to be refunded in an amount equal to ninety percent (90%) of the net present  
16 value savings reasonably estimated by the commissioner of elementary and secondary education  
17 (or his or her designee) which would have been achieved had the bonds directed to be refunded  
18 been refunded by the ninetieth (90th) day (or if such day is not a business day in the state of Rhode  
19 Island, the next succeeding business day) following the date of issuance of the directive of the  
20 commissioner (or his or her designee) to refund such bonds. Such reduction in the aid shall begin  
21 in the fiscal year following the fiscal year in which the commissioner issued such directive for the  
22 remaining term of the bond.

23 (f) Payments shall be made in accordance with § 16-7-40 and this section.

24 (g) For purposes of financing or refinancing school facilities in the city of Central Falls  
25 through the issuance bonds through the Rhode Island Health and Educational Building Corporation,  
26 the city of Central Falls shall be considered an "educational institution" within the meaning of  
27 subdivision 45-38.1-3(13) of the general laws.

28 **16-7-41.1 Eligibility for reimbursement.**

29 (a) School districts, not municipalities, may apply for and obtain approval for a project  
30 under the necessity of school construction process set forth in the regulations of the ~~board of regents~~  
31 ~~for~~ council on elementary and secondary education, provided, however, in the case of municipality  
32 which issues bonds through the Rhode Island Health and Educational Building Corporation to  
33 finance or refinance school facilities for a school district which is not part of the municipality, the  
34 municipality may apply for and obtain approval for a project. Such approval will remain valid until

1 June 30 of the third fiscal year following the fiscal year in which the ~~board of regents for~~ [council](#)  
2 [on](#) elementary and secondary education's approval is granted. Only those projects undertaken at  
3 school facilities under the care and control of the school committee and located on school property  
4 may qualify for reimbursement under §§ 16-7-35 – 16-7-47. Facilities with combined school and  
5 municipal uses or facilities that are operated jointly with any other profit or non-profit agency do  
6 not qualify for reimbursement under §§ 16-7-35 – 16-7-47. Projects completed by June 30 of a  
7 fiscal year are eligible for reimbursement in the following fiscal year. A project for new school  
8 housing or additional housing shall be deemed to be completed when the work has been officially  
9 accepted by the school committee or when the housing is occupied for its intended use by the school  
10 committee, whichever is earlier.

11 (b) Notwithstanding the provisions of this section, the board of regents shall not grant final  
12 approval for any project between June 30, 2011 and May 1, 2015 except for projects that are  
13 necessitated by immediate health and safety reasons. In the event that a project is requested during  
14 the moratorium because of immediate health and safety reasons, those proposals shall be reported  
15 to the chairs of the house and senate finance committees.

16 (c) Any project approval granted prior to the adoption of the school construction  
17 regulations in 2007, and which are currently inactive; and any project approval granted prior to the  
18 adoption of the school construction regulations in 2007 which did not receive voter approval or  
19 which has not been previously financed, are no longer eligible for reimbursement under this  
20 chapter. The department of elementary and secondary education shall develop recommendations  
21 for further cost containment strategies in the school housing aid program.

22 (d) Beginning July 1, 2015, the council on elementary and secondary education shall  
23 approve new necessity of school construction applications on an annual basis. The department of  
24 elementary and secondary education shall develop an annual application timeline for LEAs seeking  
25 new necessity of school construction approvals.

26 [\(e\) Beginning July 1, 2019, no state funding shall be provided for projects in excess of ten](#)  
27 [million dollars \(\\$10,000,000\) unless the prime contractor for the project has received](#)  
28 [prequalification from the school building authority.](#)

29 [\(f\) Beginning July 1, 2019, the necessity of school construction process set forth in the](#)  
30 [regulations of the council on elementary and secondary education shall include a single statewide](#)  
31 [process, developed with the consultation of the department of environmental management, that will](#)  
32 [ensure community involvement throughout the investigation and remediation of contaminated](#)  
33 [building sites for possible reuse as the location of a school. That process will fulfill all provisions](#)  
34 [of § 23-19.14-5 related to the investigation of reuse of such sites for schools.](#)

1 (g) Beginning July 1, 2019, school housing projects exceeding one million five hundred  
2 thousand dollars (\$1,500,000) subject to inflation shall include an owners program manager and a  
3 commissioning agent. The cost of the program manager and commissioning agent shall be  
4 considered a project cost eligible for aid pursuant to §§ 16-7-41 and 16-105-5.

5 (h) Temporary housing, or swing space, for students shall be a reimbursable expense so  
6 long as a district can demonstrate that no other viable option to temporarily house students exists  
7 and provided that use of the temporary space is time limited for a period not to exceed twenty-four  
8 (24) months and tied to a specific construction project.

9 (i) Environmental site remediation, as defined by the school building authority, shall be a  
10 reimbursable expense up to one million dollars (\$1,000,000) per project.

11 (j) If, within thirty (30) years of construction, a newly constructed school is sold to a private  
12 entity, the state shall receive a portion of the sale proceeds equal to that project's housing aid  
13 reimbursement rate at the time of project completion.

14 (k) All projects must comply with § 37-13-6, ensuring that prevailing wage laws are being  
15 followed, and § 37-14.1-6, ensuring that minority business enterprises reach a minimum of ten  
16 percent (10%) of the dollar value of the bid.

17 **16-7-44 School housing project costs.**

18 School housing project costs, the date of completion of school housing projects, and the  
19 applicable amount of school housing project cost commitments shall be in accordance with the  
20 regulations of the commissioner of elementary and secondary education and the provisions of §§  
21 16-7-35 – 16-7-47; provided, however, that school housing project costs shall include the purchase  
22 of sites, buildings, and equipment, the construction of buildings, and additions or renovations of  
23 existing buildings and/or facilities. School housing project costs shall include the cost of interest  
24 payment on any bond issued after July 1, 1988, provided that such bond is approved by the voters  
25 on or before June 30, 2003, or issued by a municipal public building authority or by the appropriate  
26 approving authority on or before June 30, 2003. Except as provided in § 16-7-41(d), those projects  
27 approved after June 30, 2003, interest payments may only be included in project costs provided  
28 that the bonds for these projects are issued through the Rhode Island Health and Educational  
29 Building Corporation. School housing project costs shall exclude: (1) any bond issuance costs  
30 incurred by the municipality or regional school district; (2) demolition costs for buildings, facilities,  
31 or sites deemed surplus by the school committee; and (3) restrictions pursuant to § 16-7-44.1 below.  
32 A building, facility, or site is declared surplus by a school committee when the committee no longer  
33 has such building, facility, or site under its direct care and control and transfers control to the  
34 municipality, § 16-2-15. The ~~board of regents for~~ council on elementary and secondary education

1 will promulgate rules and regulations for the administration of this section. These rules and  
2 regulations may provide for the use of lease revenue bonds, capital leases, or capital reserve  
3 funding, to finance school housing provided that the term of any bond, or capital lease shall not be  
4 longer than the useful life of the project and these instruments are subject to the public review and  
5 voter approval otherwise required by law for the issuance of bonds or capital leases. Cities or towns  
6 issuing bonds, or leases issued by municipal public buildings authority for the benefit of a local  
7 community pursuant to chapter 50 of title 45 shall not require voter approval. Effective January 1,  
8 2008, and except for interim finance mechanisms, refunding bonds, borrowing from the school  
9 building authority capital fund, and bonds issued by the Rhode Island Health and Educational  
10 Building Corporation to finance school housing projects for towns, cities, or regional school  
11 districts borrowing for which has previously been authorized by an enabling act of the general  
12 assembly, all bonds, notes and other forms of indebtedness issued in support of school housing  
13 projects shall require passage of an enabling act by the general assembly.

14 SECTION 2. Sections 16-7.2-3 and 16-7.2-6 of the General Laws in Chapter 16-7.2 entitled  
15 "The Education Equity and Property Tax Relief Act" are hereby amended to read as follows:

16 **16-7.2-3. Permanent foundation education aid established.**

17 (a) Beginning in the 2012 fiscal year, the following foundation education-aid formula shall  
18 take effect. The foundation education aid for each district shall be the sum of the core instruction  
19 amount in subdivision (a)(1) and the amount to support high-need students in subdivision (a)(2),  
20 which shall be multiplied by the district state-share ratio calculated pursuant to § 16-7.2-4 to  
21 determine the foundation aid.

22 (1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-  
23 instruction amount as established by the department of elementary and secondary education,  
24 derived from the average of northeast regional expenditure data for the states of Rhode Island,  
25 Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistics  
26 (NCES) that will adequately fund the student instructional needs as described in the basic education  
27 program and multiplied by the district average daily membership as defined in § 16-7-22.  
28 Expenditure data in the following categories: instruction and support services for students,  
29 instruction, general administration, school administration, and other support services from the  
30 National Public Education Financial Survey, as published by NCES, and enrollment data from the  
31 Common Core of Data, also published by NCES, will be used when determining the core-  
32 instruction amount. The core-instruction amount will be updated annually. For the purpose of  
33 calculating this formula, school districts' resident average daily membership shall exclude charter  
34 school and state-operated school students.

1           **(b) The department of elementary and secondary education shall provide an estimate of the**  
2 **foundation education aid cost as part of its budget submission pursuant to § 35-3-4. The estimate**  
3 **shall include the most recent data available as well as an adjustment for average daily membership**  
4 **growth or decline based on the prior year experience.**

5           **(c) In addition, the department shall report updated figures based on the average daily**  
6 **membership as of October 1 by December 1.**

7           (2) The amount to support high-need students beyond the core-instruction amount shall be  
8 determined by multiplying a student success factor of forty percent (40%) by the core instruction  
9 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child  
10 whose family income is at or below one hundred eighty-five percent (185%) of federal poverty  
11 guidelines, hereinafter referred to as "poverty status."

12           ~~(b)~~(d) Local education agencies (LEA) may set aside a portion of funds received under  
13 subsection (a) to expand learning opportunities such as after school and summer programs, full-  
14 day kindergarten and/or multiple pathway programs, provided that the basic education program and  
15 all other approved programs required in law are funded.

16           ~~(c)~~(e) The department of elementary and secondary education shall promulgate such  
17 regulations as are necessary to implement fully the purposes of this chapter.

18           **16-7.2-6. Categorical programs, state funded expenses.**

19           In addition to the foundation education aid provided pursuant to § 16-7.2-3, the permanent  
20 foundation education-aid program shall provide direct state funding for:

21           (a) Excess costs associated with special education students. Excess costs are defined when  
22 an individual special education student's cost shall be deemed to be "extraordinary". Extraordinary  
23 costs are those educational costs that exceed the state-approved threshold based on an amount  
24 above five times the core foundation amount (total of core-instruction amount plus student success  
25 amount). The department of elementary and secondary education shall prorate the funds available  
26 for distribution among those eligible school districts if the total approved costs for which school  
27 districts are seeking reimbursement exceed the amount of funding appropriated in any fiscal year;  
28 and the department of elementary and secondary education shall also collect data on those  
29 educational costs that exceed the state-approved threshold based on an amount above two (2), three  
30 (3), and four (4) times the core-foundation amount;

31           (b) Career and technical education costs to help meet initial investment requirements  
32 needed to transform existing, or create new, comprehensive, career and technical education  
33 programs and career pathways in critical and emerging industries and to help offset the higher-  
34 than-average costs associated with facilities, equipment maintenance and repair, and supplies

1 necessary for maintaining the quality of highly specialized programs that are a priority for the state.  
2 The department shall develop criteria for the purpose of allocating any and all career and technical  
3 education funds as may be determined by the general assembly on an annual basis. The department  
4 of elementary and secondary education shall prorate the funds available for distribution among  
5 those eligible school districts if the total approved costs for which school districts are seeking  
6 reimbursement exceed the amount of funding available in any fiscal year;

7 (c) Programs to increase access to voluntary, free, high-quality pre-kindergarten programs.  
8 The department shall recommend criteria for the purpose of allocating any and all early childhood  
9 program funds as may be determined by the general assembly;

10 (d) Central Falls, Davies, and the Met Center Stabilization Fund is established to ensure  
11 that appropriate funding is available to support their students. Additional support for Central Falls  
12 is needed due to concerns regarding the city's capacity to meet the local share of education costs.  
13 This fund requires that education aid calculated pursuant to § 16-7.2-3 and funding for costs outside  
14 the permanent foundation education-aid formula, including, but not limited to, transportation,  
15 facility maintenance, and retiree health benefits shall be shared between the state and the city of  
16 Central Falls. The fund shall be annually reviewed to determine the amount of the state and city  
17 appropriation. The state's share of this fund may be supported through a reallocation of current state  
18 appropriations to the Central Falls school district. At the end of the transition period defined in §  
19 16-7.2-7, the municipality will continue its contribution pursuant to § 16-7-24. Additional support  
20 for the Davies and the Met Center is needed due to the costs associated with running a stand-alone  
21 high school offering both academic and career and technical coursework. The department shall  
22 recommend criteria for the purpose of allocating any and all stabilization funds as may be  
23 determined by the general assembly;

24 (e) Excess costs associated with transporting students to out-of-district non-public schools.  
25 This fund will provide state funding for the costs associated with transporting students to out-of-  
26 district non-public schools, pursuant to chapter 21.1 of title 16. The state will assume the costs of  
27 non-public out-of-district transportation for those districts participating in the statewide system.  
28 The department of elementary and secondary education shall prorate the funds available for  
29 distribution among those eligible school districts if the total approved costs for which school  
30 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

31 (f) Excess costs associated with transporting students within regional school districts. This  
32 fund will provide direct state funding for the excess costs associated with transporting students  
33 within regional school districts, established pursuant to chapter 3 of title 16. This fund requires that  
34 the state and regional school district share equally the student transportation costs net any federal

1 sources of revenue for these expenditures. The department of elementary and secondary education  
2 shall prorate the funds available for distribution among those eligible school districts if the total  
3 approved costs for which school districts are seeking reimbursement exceed the amount of funding  
4 available in any fiscal year;

5 (g) Public school districts that are regionalized shall be eligible for a regionalization bonus  
6 as set forth below:

7 (1) As used herein, the term "regionalized" shall be deemed to refer to a regional school  
8 district established under the provisions of chapter 3 of title 16, including the Chariho Regional  
9 School district;

10 (2) For those districts that are regionalized as of July 1, 2010, the regionalization bonus  
11 shall commence in FY 2012. For those districts that regionalize after July 1, 2010, the  
12 regionalization bonus shall commence in the first fiscal year following the establishment of a  
13 regionalized school district as set forth in chapter 3 of title 16, including the Chariho Regional  
14 School District;

15 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the  
16 state's share of the foundation education aid for the regionalized district as calculated pursuant to  
17 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

18 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the  
19 state's share of the foundation education aid for the regionalized district as calculated pursuant to  
20 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

21 (5) The regionalization bonus shall cease in the third fiscal year;

22 (6) The regionalization bonus for the Chariho regional school district shall be applied to  
23 the state share of the permanent foundation education aid for the member towns; and

24 (7) The department of elementary and secondary education shall prorate the funds available  
25 for distribution among those eligible regionalized school districts if the total, approved costs for  
26 which regionalized school districts are seeking a regionalization bonus exceed the amount of  
27 funding appropriated in any fiscal year.

28 (h) Additional state support for English learners (EL). The amount to support EL students  
29 shall be determined by multiplying an EL factor of ten percent (10%) by the core-instruction per-  
30 pupil amount defined in § 16-7.2-3(a)(1) and applying that amount of additional state support to  
31 EL students identified using widely adopted, independent standards and assessments identified by  
32 the commissioner. All categorical funds distributed pursuant to this subsection must be used to  
33 provide high-quality, research-based services to EL students and managed in accordance with  
34 requirements set forth by the commissioner of elementary and secondary education. The

1 department of elementary and secondary education shall collect performance reports from districts  
2 and approve the use of funds prior to expenditure. The department of elementary and secondary  
3 education shall ensure the funds are aligned to activities that are innovative and expansive and not  
4 utilized for activities the district is currently funding. The department of elementary and secondary  
5 education shall prorate the funds available for distribution among eligible recipients if the total  
6 calculated costs exceed the amount of funding available in any fiscal year; and

7 (i) State support for school resource officers. For purposes of this subsection, a school  
8 resource officer (SRO) shall be defined as a career law enforcement officer with sworn authority  
9 who is deployed by an employing police department or agency in a community-oriented policing  
10 assignment to work in collaboration with one or more schools. School resource officers should have  
11 completed at least forty (40) hours of specialized training in school policing, administered by an  
12 accredited agency, before being assigned. Beginning in FY 2019, for a period of three (3) years,  
13 school districts or municipalities that choose to employ school resource officers shall receive direct  
14 state support for costs associated with employing such officers at public middle and high schools.  
15 Districts or municipalities shall be reimbursed an amount equal to one-half (1/2) of the cost of  
16 salaries and benefits for the qualifying positions. Funding will be provided for school resource  
17 officer positions established on or after July 1, 2018, provided that:

18 (1) Each school resource officer shall be assigned to one school:

19 (i) Schools with enrollments below one thousand twelve hundred (1,200) students shall  
20 require one school resource officer;

21 (ii) Schools with enrollments of one thousand twelve hundred (1,200) or more students  
22 shall require two school resource officers;

23 (2) School resource officers hired in excess of the requirement noted above shall not be  
24 eligible for reimbursement; and

25 (3) Schools that eliminate existing school resource officer positions and create new  
26 positions under this provision shall not be eligible for reimbursement.

27 ~~(j)~~ Categorical programs defined in (a) through (g) shall be funded pursuant to the  
28 transition plan in § 16-7.2-7.

29 SECTION 3. Sections 16-105-3, 16-105-7, and 16-105-8 of the General Laws in Chapter  
30 16-105 entitled "School Building Authority" are hereby amended to read as follows:

31 **16-105-3 Roles and responsibilities.**

32 The school building authority roles and responsibilities shall include:

33 (1) Management of a system with the goal of ensuring equitable and adequate school  
34 housing for all public school children in the state;

1 (2) Prevention of the cost of school housing from interfering with the effective operation  
2 of the schools;

3 (3) Management of school housing aid in accordance with statute;

4 (4) Reviewing and making recommendations to the council on elementary and secondary  
5 education on necessity of school construction applications for state school housing aid and the  
6 school building authority capital fund, based on the recommendations of the school building  
7 authority advisory board;

8 (5) ~~Promulgating, managing~~ **Managing** and maintaining school construction regulations,  
9 standards, and guidelines applicable to the school housing program, based on the recommendations  
10 of the school building authority advisory board, created in § 16-105-8. Said regulations shall require  
11 conformance with the minority business enterprise requirements set forth in § 37-14.1-6;

12 (6) Developing a prequalification and review process for prime contractors, architects and  
13 engineers seeking to bid on projects in excess of ten million dollars (\$10,000,000) in total costs  
14 subject to inflation. Notwithstanding any general laws to the contrary, a prequalification shall be  
15 valid for a maximum of two (2) years from the date of issuance. Factors to be considered by the  
16 school building authority in granting a prequalification to prime contractors shall include, but not  
17 be limited to, the contractors history of completing complex projects on time and on budget, track  
18 record of compliance with applicable environmental and safety regulations, evidence that  
19 completed prior projects prioritized the facility's future maintainability, and compliance with  
20 applicable requirements for the use of women and minority owned subcontractors;

21 (i) At least annually, a list of prequalified contractors, architects, and engineers shall be  
22 publically posted with all other program information.

23 (7) Providing technical assistance and guidance to school districts on the necessity of  
24 school construction application process;

25 ~~(6)~~**(8)** Providing technical advice and assistance, training, and education to cities, towns,  
26 and/or LEAs and to general contractors, subcontractors, construction or project managers,  
27 designers and others in planning, maintenance, and establishment of school facility space;

28 ~~(7)~~**(9)** Developing a project priority system, based on the recommendations of the school  
29 building authority advisory board, in accordance with school construction regulations for ~~the state~~  
30 ~~school housing aid set forth in §§ 16-7-35 to 16-7-47 and~~ the school building authority capital fund,  
31 subject to review and, if necessary, to be revised on intervals not to exceed five (5) years. Project  
32 priorities shall ~~be in accordance with~~ include, but not be limited to, the following order of priorities:

33 (i) Projects to replace or renovate a building that is structurally unsound or otherwise in a  
34 condition seriously jeopardizing the health and safety of school children where no alternative exists;

- 1 (ii) Projects needed to prevent loss of accreditation;
- 2 (iii) Projects needed for the replacement, renovation, or modernization of the HVAC  
3 system in any schoolhouse to increase energy conservation and decrease energy-related costs in  
4 said schoolhouse;
- 5 (iv) Projects needed to replace or add to obsolete buildings in order to provide for a full  
6 range of programs consistent with state and approved local requirements; and
- 7 (v) Projects needed to comply with mandatory, instructional programs.
- 8 ~~(8)~~(10) Maintaining a current list of requested school projects and the priority given them;
- 9 ~~(9)~~(11) Collecting and maintaining readily available data on all the public school facilities  
10 in the state;
- 11 (12) Collecting, maintaining, and making publicly available quarterly progress reports of  
12 all ongoing school construction projects that shall include, at a minimum, the costs of the project  
13 and the time schedule of the project;
- 14 ~~(10)~~(13) Recommending policies and procedures designed to reduce borrowing for school  
15 construction programs at both state and local levels;
- 16 ~~(11)~~(14) At least every five (5) years, conducting a needs survey to ascertain the capital  
17 construction, reconstruction, maintenance, and other capital needs for schools in each district of the  
18 state, including public charter schools;
- 19 ~~(12)~~(15) Developing a formal enrollment projection model or using projection models  
20 already available;
- 21 ~~(13)~~(16) Encouraging local education agencies to investigate opportunities for the  
22 maximum utilization of space in and around the district;
- 23 ~~(14)~~(17) Collecting and maintaining a clearinghouse of prototypical school plans that may  
24 be consulted by eligible applicants;
- 25 (18) Retaining the services of consultants, as necessary, to effectuate the roles and  
26 responsibilities listed within this section;
- 27 ~~(15)~~(19) ~~By regulation, offering additional incentive points to the school housing aid ratio~~  
28 ~~calculation set forth in § 16-7-39, as the authority, based upon the recommendation of the advisory~~  
29 ~~board, determines will promote the purposes of this chapter. Said regulations may delineate the~~  
30 ~~type and amounts of any such incentive percentage points; provided, however, that no individual~~  
31 ~~category of incentive points shall exceed two (2) additional points; and provided further, that no~~  
32 ~~district shall receive a combined total of more than five (5) incentive percentage points. Such~~  
33 ~~incentive points may be awarded for a district's use of highly efficient construction delivery~~  
34 ~~methods; regionalization with other districts; superior maintenance practices of a district; energy~~

1 ~~efficient and sustainable design and construction; the use of model schools as adopted by the~~  
2 ~~authority; and other incentives as recommended by the advisory board and determined by the~~  
3 ~~authority to encourage the most cost effective and quality construction.~~ No district shall receive a  
4 combined total of more than twenty (20) incentive percentage points for projects that commence  
5 construction by December 30, 2023, and five (5) incentive points for projects that commence  
6 construction thereafter; provided further, these caps shall be in addition to amounts received under  
7 §§ 16-7-40(a)(1) and 16-7-40(a)(2). Furthermore, a district's share shall not be decreased by more  
8 than half of its regular share irrespective of the number of incentive points received, nor shall a  
9 district's state share increase by more than half of its regular share, including amounts received  
10 under §§ 16-7-40(a)(1) and 16-7-40(a)(2), irrespective of the number of incentive points received.  
11 Notwithstanding any provision of the general laws to the contrary, the reimbursement or aid  
12 received under this chapter or chapter 38.2 of title 45 shall not exceed one hundred percent (100%)  
13 of the sum of the total project costs plus interest costs. If a two hundred and fifty million dollar  
14 (\$250,000,000) general obligation bond is approved on the November 2018 ballot, projects  
15 approved between May 1, 2015 and January 1, 2018 are eligible to receive incentive points (above  
16 and beyond what the project was awarded at the time of approval) pursuant to § 16-7-39 and § 16-  
17 7-40. Provided, however, any project approved during this time period with a project cost in excess  
18 of one million five hundred thousand dollars (\$1,500,000), which does not include an owners  
19 program manager and a commissioning agent, shall only be eligible to receive five (5) incentive  
20 points. Incentive points awarded pursuant to the provisions of this subsection shall only be applied  
21 to reimbursements occurring on or after July 1, 2018. Any project approved between May 1, 2015  
22 and January 1, 2018 that is withdrawn and/or resubmitted for approval shall not be eligible for any  
23 incentive points.

24 **16-105-7 ~~Expenses incurred by the department school building authority~~ Expenses**  
25 **incurred by the school building authority.**

26 In order to provide for one-time or limited expenses of the ~~department of elementary and~~  
27 ~~secondary education~~ school building authority under this chapter, the Rhode Island health and  
28 educational building corporation shall provide funding from the school building authority capital  
29 fund, fees generated from the origination of municipal bonds and other financing vehicles used for  
30 school construction, and its own reserves. The school building authority shall, by October 1 of each  
31 year, report to the governor and the chairs of the senate and house finance committees, the senate  
32 fiscal advisor, and the house fiscal advisor the amount sought for expenses for the next fiscal year.

33 There is also hereby established a restricted receipt account within the budget of the  
34 department of elementary and secondary education entitled "school construction services", to be

1 [financed by the Rhode Island health and educational building corporation's sub-allotments of fees](#)  
2 [generated from the origination of municipal bonds and other financing vehicles used for school](#)  
3 [construction and its own reserves. Effective July 1, 2018, this account shall be utilized for the](#)  
4 [express purpose of supporting personnel expenditures directly related to the administration of the](#)  
5 [school construction aid program.](#)

6 **16-105-8. School building authority advisory board established.**

7 (a) There is hereby established a school building authority advisory board that shall advise  
8 the school building authority regarding the best use of the school building authority capital fund,  
9 including the setting of statewide priorities, criteria for project approval, and recommendations for  
10 project approval and prioritization.

11 (b) The school building authority advisory board shall consist of seven (7)-members as  
12 follows:

13 (1) The general treasurer, [or designee](#);

14 (2) The director of the department of administration, who shall serve as chair;

15 (3) ~~A member of the governor's staff, as designated by the governor~~ [The chair of the Rhode](#)  
16 [Island health and educational building corporation](#); and

17 (4) Four (4) members of the public, appointed by the governor, and who serve at the  
18 pleasure of the governor, each of whom shall have expertise in education and/or construction, real  
19 estate, or finance. At least one of these four (4) members shall represent a local education agency  
20 [and at least one of these four \(4\) members shall be an educator.](#)

21 (c) In addition to the purposes in subsection (a), the school building authority advisory  
22 board shall advise the school building authority on, including but not limited to, the following:

23 (1) The project priorities for the school building authority capital fund;

24 (2) Legislation as it may deem desirable or necessary related to the school building  
25 authority capital fund and the school housing aid program set forth in §§ 16-7-35 to 16-7-47;

26 (3) Policies and procedures designed to reduce borrowing for school construction programs  
27 at both state and local levels;

28 (4) Development of a formal enrollment projection model or consideration of using  
29 projection models already available;

30 (5) Processes and procedures necessary to apply for, receive, administer, and comply with  
31 the conditions and requirements respecting any grant, gift, or appropriation of property, services,  
32 or monies;

33 (6) The collection and maintenance of a clearinghouse of prototypical school plans which  
34 may be consulted by eligible applicants and recommend incentives to utilize these prototypes;

1 (7) The determination of eligible cost components of projects for funding or  
2 reimbursement, including partial or full eligibility for project components for which the benefit is  
3 shared between the school and other municipal and community entities;

4 (8) Development of a long-term capital plan in accordance with needs and projected  
5 funding;

6 (9) Collection and maintenance of data on all the public school facilities in the state,  
7 including information on size, usage, enrollment, available facility space, and maintenance;

8 (10) Advising districts on the conduct of a needs survey to ascertain the capital  
9 construction, reconstruction, maintenance, and other capital needs for schools across the state;

10 (11) The recommendation of policies, rules, and regulations that move the state toward a  
11 pay-as-you-go funding system for school construction programs; and

12 (12) Encouraging local education agencies to investigate opportunities for the maximum  
13 utilization of space in and around the district.

14 SECTION 4. Sections 45-38.2-2, 45-38.2-3 and 45-38.2-4 of the General Laws in Chapter  
15 45-38.2 entitled "School Building Authority Capital Fund" are hereby amended to read as follows:

16 **45-38.2-2. School building authority capital fund.**

17 (a) There is hereby established a school building authority capital fund. The corporation  
18 shall establish and set up on its books the fund, to be held in trust and to be administered by the  
19 corporation as provided in this chapter. This fund shall be in addition to the annual appropriation  
20 for committed expenses related to the repayment of housing aid commitments. The corporation  
21 shall deposit the following monies into the fund:

22 (1) The difference between the annual housing aid appropriation and housing aid  
23 commitment amounts appropriated or designated to the corporation by the state for the purposes of  
24 the foundation program for school housing; [provided that for FY 2019 and FY 2020 that amount](#)  
25 [shall be used for technical assistance to districts pursuant to § 16-105-3\(7\);](#)

26 (2) Loan repayments, bond refinance interest savings, and other payments received by the  
27 corporation pursuant to loan or financing agreements with cities, towns, or LEAs executed in  
28 accordance with this chapter;

29 (3) Investment earnings on amounts credited to the fund;

30 (4) Proceeds of bonds of the corporation issued in connection with this chapter to the extent  
31 required by any trust agreement for such bonds;

32 (5) Administrative fees levied by the corporation, with respect to financial assistance  
33 rendered under this chapter and specified in § 45-38.2-3(a)(4), less operating expenses;

34 (6) Other amounts required by provisions of this chapter or agreement, or any other law or

1 any trust agreement pertaining to bonds to be credited to the fund; and

2 (7) Any other funds permitted by law which the corporation in its discretion shall determine  
3 to credit thereto.

4 (b) The corporation shall establish and maintain fiscal controls and accounting procedures  
5 conforming to generally accepted government accounting standards sufficient to ensure proper  
6 accounting for receipts in and disbursements from the school building authority capital fund.

7 (c) The school building authority shall establish and maintain internal controls to ensure  
8 that LEAs are providing adequate asset protection plans, all LEAs have equal access and  
9 opportunity to address facility improvements on a priority basis, and to ensure that funding from  
10 the school building authority capital fund has the greatest impact on facility gaps in state priority  
11 areas. The school building authority will also manage necessity of school construction approvals  
12 in accordance with the funding levels set forth by the general assembly.

13 **45-38.2-3. Administration.**

14 (a) The corporation shall have all the powers necessary or incidental to carry out and  
15 effectuate the purposes and provisions of this chapter including:

16 (1) To receive and disburse such funds from the state as may be available for the purpose  
17 of the fund subject to the provisions of this chapter;

18 (2) To make and enter into binding commitments to provide financial assistance to cities,  
19 towns and LEAs from amounts on deposit in the fund;

20 (3) To enter into binding commitments to provide subsidy assistance for loans and city,  
21 town, and LEA obligations from amounts on deposit in the fund;

22 (4) To levy administrative fees on cities, towns, and LEAs as necessary to effectuate the  
23 provisions of this chapter; ~~provided the fees have been previously authorized by an agreement~~  
24 ~~between the corporation and the city, town, or LEA;~~ provided that the fee does not exceed one tenth  
25 of one percent (0.001) of the principal amount;

26 (5) To engage the services of third-party vendors to provide professional services;

27 (6) To establish one or more accounts within the fund; and

28 (7) Such other authority as granted to the corporation under chapter 38.1 of title 45.

29 (b) Subject to the provisions of this chapter, and to any agreements with the holders of any  
30 bonds of the corporation or any trustee therefor, amounts held by the corporation for the account  
31 of the fund shall be applied by the corporation, either by direct expenditure, disbursement, or  
32 transfer to one or more other funds and accounts held by the corporation or a trustee under a trust  
33 agreement or trust indenture entered into by the corporation with respect to bonds or notes issued  
34 by the corporation under this chapter or by a holder of bonds or notes issued by the corporation

1 under this chapter, either alone or with other funds of the corporation, to the following purposes:

2 (1) To provide financial assistance to cities, towns and LEAs to finance costs of approved  
3 projects, and to refinance the costs of the projects, subject to such terms and conditions, if any, as  
4 are determined by the department and/or the corporation;

5 (2) To fund reserves for bonds of the corporation and to purchase insurance and pay the  
6 premiums therefor, and pay fees and expenses of letters or lines of credit and costs of  
7 reimbursement to the issuers thereof for any payments made thereon or on any insurance, and to  
8 otherwise provide security for, and a source of payment for obligations of the corporation, by  
9 pledge, lien, assignment, or otherwise as provided in chapter 38.1 of title 45;

10 (3) To pay or provide for subsidy assistance as determined by the school building authority;

11 (4) To provide a reserve for, or to otherwise secure, amounts payable by cities, towns, and  
12 LEAs on loans and city, town, and LEA obligations outstanding in the event of default thereof;  
13 amounts in any account in the fund may be applied to defaults on loans outstanding to the city,  
14 town, or LEA for which the account was established and, on a parity basis with all other accounts,  
15 to defaults on any loans or city, town, or LEA obligations outstanding; and

16 (5) To provide a reserve for, or to otherwise secure, by pledge, lien, assignment, or  
17 otherwise as provided in chapter 38.1 of title 45, any bonds or notes of the corporation issued under  
18 this chapter.

19 (c) The repayment obligations of the city, town, or LEA for loans shall be in accordance  
20 with its eligibility for state aid for school housing as set forth in §§ 16-7-39, 16-77.1-5, and 105-  
21 3(15).

22 (d) In addition to other remedies of the corporation under any loan or financing agreement  
23 or otherwise provided by law, the corporation may also recover from a city, town or LEA, in an  
24 action in superior court, any amount due the corporation together with any other actual damages  
25 the corporation shall have sustained from the failure or refusal of the city, town, or LEA to make  
26 the payments or abide by the terms of the loan or financing agreement.

27 **45-38.2-4 Payment of state funds.**

28 (a) Subject to the provisions of subsection (b), upon the written request of the corporation,  
29 the general treasurer shall pay to the corporation, from time to time, from the proceeds of any bonds  
30 or notes issued by the state for the purposes of this chapter or funds otherwise lawfully payable to  
31 the corporation for the purposes of this chapter, such amounts as shall have been appropriated or  
32 lawfully designated for the fund. All amounts so paid shall be credited to the fund in addition to  
33 any other amounts credited or expected to be credited to the fund.

34 (b) The corporation and the state may enter into, execute, and deliver one or more

1 agreements setting forth or otherwise determining the terms, conditions, and procedures for, and  
2 the amount, time, and manner of payment of, all amounts available from the state to the corporation  
3 under this section.

4 (c) The corporation, per order of the school building authority capital fund, is authorized  
5 to grant a district or municipality its state share of an approved project cost, pursuant to §§ 16-7-39  
6 and 16-77.1-5. Construction pay-as-you-go grants received from the school building authority  
7 capital fund shall not be considered a form of indebtedness subject to the provisions of § 16-7-44.

8 (d)(1) Notwithstanding the provisions of §§ 45-12-19 and 45-12-20, and notwithstanding  
9 city or town charter provisions to the contrary, prior to July 1, 2016, no voter approval shall be  
10 required for loans in any amount made to a city or town for the local education agency's share of  
11 total project costs.

12 (2) Notwithstanding the provisions of §§ 45-12-19 and 45-12-20, and notwithstanding city  
13 or town charter provisions to the contrary, on or after July 1, 2016, up to five hundred thousand  
14 dollars (\$500,000) may be loaned to a city or town for the local education agency 's share of total  
15 project costs without the requirement of voter approval.

16 (e)(1) Funds from the two hundred fifty million (\$250,000,000) in general obligation  
17 bonds, if approved on the November 2018 ballot, shall first be used to support the state share of  
18 foundational housing aid and shall be offered to LEAs on a pay-as-you-go basis and not as a  
19 reimbursement of debt service for previously completed projects.

20 (2) Funds to support the state share of foundational housing aid in a given year on a pay-  
21 as-you-go basis shall be offered proportionately to LEAs based on the total state share of  
22 foundational housing aid awarded to projects in that year.

23 (3) Any excess funds may be transferred to the school building authority capital fund in an  
24 amount not to exceed five percent (5%) of any amount of bonds issued in a given year.

25 ~~(e)~~(f) Notwithstanding any provision to the contrary, the term of any bond, capital lease,  
26 or other financing instrument shall not exceed the useful life of the project being financed.

27 (g) In accordance with §§ 45-10-5.1 and 45-10-6, the auditor general shall give guidance  
28 to municipalities and school districts on the uniform financial reporting of construction debt  
29 authorized and issued, and on funding received from the state within ninety (90) days of the passage  
30 of this article.

31 SECTION 5. This article shall take effect upon passage.  
32

**ARTICLE 10 AS AMENDED**

RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT FY 2018

SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained in this act, the following general revenue amounts are hereby appropriated out of any money in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30, 2018. The amounts identified for federal funds and restricted receipts shall be made available pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the purposes and functions hereinafter mentioned, the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums or such portions thereof as may be required from time to time upon receipt by him or her of properly authenticated vouchers.

|   | <b>FY 2018</b> | <b>FY 2018</b> | <b>FY 2018</b> |
|---|----------------|----------------|----------------|
|   | <u>Enacted</u> | <u>Change</u>  | <u>Final</u>   |
| <b>Administration</b>                   |                |                |                |
| <i>Central Management</i>               |                |                |                |
| General Revenues                        | 3,048,657      | (204,166)      | 2,844,491      |
| <i>Legal Services</i>                   |                |                |                |
| General Revenues                        | 2,170,956      | (195,458)      | 1,975,498      |
| <i>Accounts and Control</i>             |                |                |                |
| General Revenues                        | 4,130,796      | 708,034        | 4,838,830      |
| Restricted Receipts – OPEB Board        |                |                |                |
| Administration                          | 225,000        | (257)          | 224,743        |
| Total - Accounts and Control            | 4,355,796      | 707,777        | 5,063,573      |
| <i>Office of Management and Budget</i>  |                |                |                |
| General Revenues                        | 8,882,351      | (469,143)      | 8,413,208      |
| Restricted Receipts                     | 300,000        | 109,356        | 409,356        |
| Other Funds                             | 1,719,494      | (722,905)      | 996,589        |
| Total – Office of Management and Budget | 10,901,845     | (1,082,692)    | 9,819,153      |
| <i>Purchasing</i>                       |                |                |                |
| General Revenues                        | 2,630,843      | 430,362        | 3,061,205      |

|    |  |            |              |            |
|----|--|------------|--------------|------------|
| 1  | Restricted Receipts                      | 540,000    | (540,000)    | 0          |
| 2  | Other Funds                              | 233,525    | 101,936      | 335,461    |
| 3  | Total – Purchasing                       | 3,404,368  | (7,702)      | 3,396,666  |
| 4  | <i>Human Resources</i>                   |            |              |            |
| 5  | General Revenues                         | 8,057,188  | (6,907,761)  | 1,149,427  |
| 6  | Federal Funds                            | 1,014,410  | (1,014,410)  | 0          |
| 7  | Restricted Receipts                      | 610,995    | (610,995)    | 0          |
| 8  | Other Funds                              | 1,591,954  | (1,591,954)  | 0          |
| 9  | Total - Human Resources                  | 11,274,547 | (10,125,120) | 1,149,427  |
| 10 | <i>Personnel Appeal Board</i>            |            |              |            |
| 11 | General Revenues                         | 145,130    | 2,235        | 147,365    |
| 12 | <i>Information Technology</i>            |            |              |            |
| 13 | General Revenues                         | 22,146,644 | (20,972,630) | 1,174,014  |
| 14 | Federal Funds                            | 6,655,755  | (6,473,755)  | 182,000    |
| 15 | Restricted Receipts                      | 10,777,319 | (794,089)    | 9,983,230  |
| 16 | Other Funds                              | 2,699,001  | (2,609,827)  | 89,174     |
| 17 | Total – Information Technology           | 42,278,719 | (30,850,301) | 11,428,418 |
| 18 | <i>Library and Information Services</i>  |            |              |            |
| 19 | General Revenues                         | 1,479,475  | (129,555)    | 1,349,920  |
| 20 | Federal Funds                            | 1,157,870  | 101,754      | 1,259,624  |
| 21 | Restricted Receipts                      | 5,500      | 0            | 5,500      |
| 22 | Total - Library and Information Services | 2,642,845  | (27,801)     | 2,615,044  |
| 23 | <i>Planning</i>                          |            |              |            |
| 24 | General Revenues                         | 1,271,483  | (458,590)    | 812,893    |
| 25 | Federal Funds                            | 1,000      | 14,291       | 15,291     |
| 26 | Other Funds                              |            |              |            |
| 27 | Air Quality Modeling                     | 24,000     | 0            | 24,000     |
| 28 | Federal Highway – PL Systems Planning    | 3,172,497  | 318,487      | 3,490,984  |
| 29 | FTA – Metro Planning Grant               | 1,033,131  | (1,301)      | 1,031,830  |
| 30 | Total - Planning                         | 5,502,111  | (127,113)    | 5,374,998  |
| 31 | <i>General</i>                           |            |              |            |
| 32 | General Revenues                         | 100,000    | 0            | 100,000    |

33 Provided that this amount be allocated to City Year for the Whole School Whole Child Program,  
34 which provides individualized support to at-risk students.

|    |   |           |             |           |
|----|---|-----------|-------------|-----------|
| 1  | Torts - Courts/Awards                           | 400,000   | 0           | 400,000   |
| 2  | State Employees/Teachers Retiree Health Subsidy | 2,321,057 | 0           | 2,321,057 |
| 3  | Resource Sharing and State Library Aid          | 9,362,072 | 0           | 9,362,072 |
| 4  | Library Construction Aid                        | 2,161,628 | 0           | 2,161,628 |
| 5  | Restricted Receipts                             | 700,000   | 0           | 700,000   |
| 6  | Other Funds                                     |           |             |           |
| 7  | Rhode Island Capital Plan Funds                 |           |             |           |
| 8  | Security Measures State Buildings               | 500,000   | 0           | 500,000   |
| 9  | Energy Efficiency Improvements                  | 1,000,000 | (500,000)   | 500,000   |
| 10 | Cranston Street Armory                          | 850,000   | 225,000     | 1,075,000 |
| 11 | Zambarano Building Rehabilitation               | 6,085,000 | 700,000     | 6,785,000 |
| 12 | Big River Management Area                       | 100,000   | (72,693)    | 27,307    |
| 13 | Veterans Memorial Auditorium                    | 205,000   | 58,000      | 263,000   |
| 14 | RI Convention Center Authority                  | 1,250,000 | 615,000     | 1,865,000 |
| 15 | Dunkin Donuts Center                            | 2,350,000 | (1,715,000) | 635,000   |
| 16 | Pastore Center Power Plant Rehab.               | 800,000   | (750,000)   | 50,000    |
| 17 | Virks Building Renovations                      | 5,236,000 | 521,511     | 5,757,511 |
| 18 | Accessibility – Facility Renovations            | 1,000,000 | 110,000     | 1,110,000 |
| 19 | Cannon Building                                 | 700,000   | (6,834)     | 693,166   |
| 20 | Chapin Health Laboratory                        | 3,550,000 | (2,550,000) | 1,000,000 |
| 21 | Environmental Compliance                        | 200,000   | (100,000)   | 100,000   |
| 22 | DoIT Operations Center                          | 770,000   | (670,000)   | 100,000   |
| 23 | Old Colony House                                | 100,000   | (75,000)    | 25,000    |
| 24 | Old State House                                 | 1,000,000 | (860,000)   | 140,000   |
| 25 | Pastore Center Buildings Demolition             | 175,000   | (175,000)   | 0         |
| 26 | Pastore Center Parking                          | 1,300,000 | (250,000)   | 1,050,000 |
| 27 | Pastore Center Rehab DOA Portion                | 3,900,000 | 3,600,000   | 7,500,000 |
| 28 | Pastore Center Strategic Plan                   | 600,000   | 200,092     | 800,092   |
| 29 | Pastore Center Utilities Upgrade                | 2,000,000 | 1,377,500   | 3,377,500 |
| 30 | Pastore Center Water Tanks & Pipes              | 280,000   | 465,118     | 745,118   |
| 31 | Replacement of Fueling Tanks                    | 450,000   | (381,040)   | 68,960    |
| 32 | Shepard Building                                | 395,000   | (395,000)   | 0         |
| 33 | State House Energy Mgt Improvement              | 2,000,000 | (2,000,000) | 0         |
| 34 | State House Renovations                         | 1,250,000 | 637,000     | 1,887,000 |

|    |  |             |             |             |
|----|--|-------------|-------------|-------------|
| 1  | State Office Building  | 700,000     | 710,577     | 1,410,577   |
| 2  | Washington County Government Center  | 1,400,000   | (1,225,000) | 175,000     |
| 3  | William Powers Administration Bldg.  | 1,000,000   | 35,000      | 1,035,000   |
| 4  | Hospital Consolidation   | 0           | 7,850,000   | 7,850,000   |
| 5  | Board of Elections (Medical Examiner)  | 0           | 510,000     | 510,000     |
| 6  | McCoy Stadium Repairs  | 0           | 300,000     | 300,000     |
| 7  | Total - General  | 56,190,757  | 6,189,231   | 62,379,988  |
| 8  | <i>Debt Service Payments</i>   |             |             |             |
| 9  | General Revenues   | 138,403,065 | (1,232,290) | 137,170,775 |
| 10 | Out of the general revenue appropriations for debt service, the General Treasurer is       |             |             |             |
| 11 | authorized to make payments for the I-195 Redevelopment District Commission loan up to the |             |             |             |
| 12 | maximum debt service due in accordance with the loan agreement.                            |             |             |             |
| 13 | Federal Funds  | 1,870,830   | 0           | 1,870,830   |
| 14 | Other Funds  |             |             |             |
| 15 | Transportation Debt Service  | 40,958,106  | (118,865)   | 40,839,241  |
| 16 | Investment Receipts – Bond Funds   | 100,000     | 0           | 100,000     |
| 17 | Total - Debt Service Payments  | 181,332,001 | (1,351,155) | 179,980,846 |
| 18 | <i>Energy Resources</i>  |             |             |             |
| 19 | Federal Funds  | 723,171     | 42,534      | 765,705     |
| 20 | Restricted Receipts  | 11,410,652  | (1,621,791) | 9,788,861   |
| 21 | Total – Energy Resources   | 12,133,823  | (1,579,257) | 10,554,566  |
| 22 | <i>Rhode Island Health Benefits Exchange</i>   |             |             |             |
| 23 | General Revenues   | 2,625,841   | 0           | 2,625,841   |
| 24 | Federal Funds  | 135,136     | 4,123,529   | 4,258,665   |
| 25 | Restricted Receipts  | 6,807,845   | (768,351)   | 6,039,494   |
| 26 | Total - Rhode Island Health Benefits   |             |             |             |
| 27 | Exchange   | 9,568,822   | 3,355,178   | 12,924,000  |
| 28 | <i>Construction Permitting, Approvals and Licensing</i>                                    |             |             |             |
| 29 | General Revenues   | 1,790,975   | 319,412     | 2,110,387   |
| 30 | Restricted Receipts  | 1,187,870   | 353,524     | 1,541,394   |
| 31 | Total – Construction Permitting,   |             |             |             |
| 32 | Approvals and Licensing  | 2,978,845   | 672,936     | 3,651,781   |
| 33 | <i>Office of Diversity, Equity, and Opportunity</i>  |             |             |             |
| 34 | General Revenues   | 1,282,250   | (191,894)   | 1,090,356   |

|    |  |              |              |             |
|----|--|--------------|--------------|-------------|
| 1  | Other Funds  | 86,623       | (1,558)      | 85,065      |
| 2  | Total – Office of Diversity, Equity and            |              |              |             |
| 3  | Opportunity  | 1,368,873    | (193,452)    | 1,175,421   |
| 4  | <i>Capital Asset Management and Maintenance</i>    |              |              |             |
| 5  | General Revenues                                   | 33,868,627   | (24,114,462) | 9,754,165   |
| 6  | Federal Funds                                      | 1,603,917    | (1,603,917)  | 0           |
| 7  | Restricted Receipts                                | 660,725      | (660,725)    | 0           |
| 8  | Other Funds  | 3,874,844    | (3,874,844)  | 0           |
| 9  | Total – Capital Asset Management and               |              |              |             |
| 10 | Maintenance  | 40,008,113   | (30,253,948) | 9,754,165   |
| 11 | <i>Undistributed Savings</i>                       |              |              |             |
| 12 | General Revenues                                   | (30,080,124) | 30,080,124   | 0           |
| 13 | Grand Total – Administration                       | 359,226,084  | (34,990,684) | 324,235,400 |
| 14 | <b>Business Regulation</b>                         |              |              |             |
| 15 | <i>Central Management</i>                          |              |              |             |
| 16 | General Revenues                                   | 1,296,420    | 960,848      | 2,257,268   |
| 17 | <i>Banking Regulation</i>                          |              |              |             |
| 18 | General Revenues                                   | 1,743,062    | (261,260)    | 1,481,802   |
| 19 | Restricted Receipts                                | 50,000       | 25,000       | 75,000      |
| 20 | Total – Banking Regulation                         | 1,793,062    | (236,260)    | 1,556,802   |
| 21 | <i>Securities Regulation</i>                       |              |              |             |
| 22 | General Revenues                                   | 974,364      | (13,617)     | 960,747     |
| 23 | Restricted Receipts                                | 15,000       | 0            | 15,000      |
| 24 | Total - Securities Regulation                      | 989,364      | (13,617)     | 975,747     |
| 25 | <i>Insurance Regulation</i>                        |              |              |             |
| 26 | General Revenues                                   | 3,925,436    | (104,884)    | 3,820,552   |
| 27 | Restricted Receipts                                | 1,826,495    | 102,552      | 1,929,047   |
| 28 | Total - Insurance Regulation                       | 5,751,931    | (2,332)      | 5,749,599   |
| 29 | <i>Office of the Health Insurance Commissioner</i> |              |              |             |
| 30 | General Revenues                                   | 1,614,318    | (144,474)    | 1,469,844   |
| 31 | Federal Funds                                      | 892,213      | 157,056      | 1,049,269   |
| 32 | Restricted Receipts                                | 228,768      | (103,917)    | 124,851     |
| 33 | Total – Office of the Health Insurance             |              |              |             |
| 34 | Commissioner                                       | 2,735,299    | (91,335)     | 2,643,964   |

|    |   |            |           |            |
|----|---|------------|-----------|------------|
| 1  | <i>Board of Accountancy</i>                         |            |           |            |
| 2  | General Revenues                                    | 6,000      | 0         | 6,000      |
| 3  | <i>Commercial Licensing, Racing &amp; Athletics</i> |            |           |            |
| 4  | General Revenues                                    | 893,038    | (58,021)  | 835,017    |
| 5  | Restricted Receipts                                 | 1,778,614  | (39,463)  | 1,739,151  |
| 6  | Total - Commercial Licensing, Racing &              |            |           |            |
| 7  | Athletics   | 2,671,652  | (97,484)  | 2,574,168  |
| 8  | <i>Boards for Design Professionals</i>              |            |           |            |
| 9  | General Revenues                                    | 362,455    | (362,455) | 0          |
| 10 | Restricted Receipts                                 | 0          | 323,703   | 323,703    |
| 11 | Total – Boards for Design Professionals             | 362,455    | (38,752)  | 323,703    |
| 12 | Grand Total - Business Regulation                   | 15,606,183 | 481,068   | 16,087,251 |
| 13 | <b>Executive Office of Commerce</b>                 |            |           |            |
| 14 | <i>Central Management</i>                           |            |           |            |
| 15 | General Revenues                                    | 1,138,714  | (306,831) | 831,883    |
| 16 | <i>Housing and Community Development</i>            |            |           |            |
| 17 | General Revenues                                    | 642,391    | 252,562   | 894,953    |
| 18 | Federal Funds                                       | 17,890,642 | 980,743   | 18,871,385 |
| 19 | Restricted Receipts                                 | 4,749,911  | 1,500,000 | 6,249,911  |
| 20 | Total – Housing and Community                       |            |           |            |
| 21 | Development   | 23,282,944 | 2,733,305 | 26,016,249 |
| 22 | <i>Quasi-Public Appropriations</i>                  |            |           |            |
| 23 | General Revenues                                    |            |           |            |
| 24 | Rhode Island Commerce Corporation                   | 7,474,514  | (250,000) | 7,224,514  |
| 25 | Airport Impact Aid                                  | 1,025,000  | 0         | 1,025,000  |

26 Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be  
27 distributed to each airport serving more than 1,000,000 passengers based upon its percentage of the  
28 total passengers served by all airports serving more than 1,000,000 passengers. Forty percent (40%)  
29 of the first \$1,000,000 shall be distributed based on the share of landings during the calendar year  
30 2017 at North Central Airport, Newport-Middletown Airport, Block Island Airport, Quonset  
31 Airport, T.F. Green Airport and Westerly Airport, respectively. The Rhode Island Commerce  
32 Corporation shall make an impact payment to the towns or cities in which the airport is located  
33 based on this calculation. Each community upon which any parts of the above airports are located  
34 shall receive at least \$25,000.

|    |   |                       |                        |                       |
|----|---|-----------------------|------------------------|-----------------------|
| 1  | STAC Research Alliance                        | 1,150,000             | (350,000)              | 800,000               |
| 2  | Innovative Matching Grants/Internships        | 1,000,000             | 0                      | 1,000,000             |
| 3  | I-195 Redevelopment District Commission       | 761,000               | 0                      | 761,000               |
| 4  | Chafee Center at Bryant                       | 376,200               | 0                      | 376,200               |
| 5  | Urban Ventures                                | 140,000               | 0                      | 140,000               |
| 6  | Polaris Manufacturing Grant                   | 250,000               | 0                      | 250,000               |
| 7  | Other Funds                                   |                       |                        |                       |
| 8  | Rhode Island Capital Plan Funds               |                       |                        |                       |
| 9  | <del>I-195 Commission</del>                   | <del>300,000</del>    | <del>146,053</del>     | <del>446,053</del>    |
| 10 | <u>I-195 Commission</u>                       | <u>300,000</u>        | <u>746,053</u>         | <u>1,046,053</u>      |
| 11 | Quonset Piers                                 | 2,600,000             | (1,632,659)            | 967,341               |
| 12 | <del>Total- Quasi-Public Appropriations</del> | <del>15,076,714</del> | <del>(2,086,606)</del> | <del>12,990,108</del> |
| 13 | <u>Total- Quasi-Public Appropriations</u>     | <u>15,076,714</u>     | <u>(1,486,606)</u>     | <u>13,590,108</u>     |
| 14 | <i>Economic Development Initiatives Fund</i>  |                       |                        |                       |
| 15 | General Revenues                              |                       |                        |                       |
| 16 | Innovation Initiative                         | 1,000,000             | 0                      | 1,000,000             |
| 17 | I-195 Redevelopment Fund                      | 2,000,000             | 0                      | 2,000,000             |
| 18 | Main Street RI Streetscape Improvements       | 500,000               | 0                      | 500,000               |
| 19 | Rebuild RI Tax Credit Fund                    | 12,500,000            | 0                      | 12,500,000            |
| 20 | First Wave Closing Fund                       | 1,800,000             | 0                      | 1,800,000             |
| 21 | Total- Economic Development                   |                       |                        |                       |
| 22 | Initiatives Fund                              | 17,800,000            | 0                      | 17,800,000            |
| 23 | <i>Commerce Programs</i>                      |                       |                        |                       |
| 24 | General Revenues                              |                       |                        |                       |
| 25 | Wavemaker Fellowship                          | 800,000               | 0                      | 800,000               |
| 26 | Air Service Development                       | 500,000               | 0                      | 500,000               |
| 27 | Total - Commerce Programs                     | 1,300,000             | 0                      | 1,300,000             |
| 28 | Grand Total - Executive Office of             |                       |                        |                       |
| 29 | <del>Commerce</del>                           | <del>58,598,372</del> | <del>339,868</del>     | <del>58,938,240</del> |
| 30 | <u>Commerce</u>                               | <u>58,598,372</u>     | <u>939,868</u>         | <u>59,538,240</u>     |
| 31 | <b>Labor and Training</b>                     |                       |                        |                       |
| 32 | <i>Central Management</i>                     |                       |                        |                       |
| 33 | General Revenues                              | 134,315               | 535,729                | 670,044               |
| 34 | Restricted Receipts                           | 687,604               | (499,907)              | 187,697               |

|    |  |             |             |             |
|----|--|-------------|-------------|-------------|
| 1  | Other Funds                            |             |             |             |
| 2  | Rhode Island Capital Plan Funds        |             |             |             |
| 3  | Center General Asset Protection        | 1,630,000   | (1,000,000) | 630,000     |
| 4  | Total - Central Management             | 2,451,919   | (964,178)   | 1,487,741   |
| 5  | <i>Workforce Development Services</i>  |             |             |             |
| 6  | General Revenues                       | 704,517     | 66,325      | 770,842     |
| 7  | Federal Funds                          | 22,792,153  | 7,377,967   | 30,170,120  |
| 8  | Restricted Receipts                    | 12,434,856  | 8,237,982   | 20,672,838  |
| 9  | Other Funds                            | 101,601     | 205,399     | 307,000     |
| 10 | Total - Workforce Development          |             |             |             |
| 11 | Services                               | 36,033,127  | 15,887,673  | 51,920,800  |
| 12 | <i>Workforce Regulation and Safety</i> |             |             |             |
| 13 | General Revenues                       | 2,811,148   | 87,030      | 2,898,178   |
| 14 | <i>Income Support</i>                  |             |             |             |
| 15 | General Revenues                       | 4,046,748   | 191,448     | 4,238,196   |
| 16 | Federal Funds                          | 14,138,705  | 6,253,439   | 20,392,144  |
| 17 | Restricted Receipts                    | 2,500,020   | (546,765)   | 1,953,255   |
| 18 | Other Funds                            |             |             |             |
| 19 | Temporary Disability Insurance Fund    | 197,566,522 | 804,965     | 198,371,487 |
| 20 | Employment Security Fund               | 161,220,000 | (4,110,000) | 157,110,000 |
| 21 | Other Funds                            | 40,418      | (40,418)    | 0           |
| 22 | Total - Income Support                 | 379,512,413 | 2,552,669   | 382,065,082 |
| 23 | <i>Injured Workers Services</i>        |             |             |             |
| 24 | Restricted Receipts                    | 8,701,434   | (981,398)   | 7,720,036   |
| 25 | <i>Labor Relations Board</i>           |             |             |             |
| 26 | General Revenues                       | 397,335     | 18,472      | 415,807     |
| 27 | Grand Total - Labor and Training       | 429,907,376 | 16,600,268  | 446,507,644 |
| 28 | <b>Department of Revenue</b>           |             |             |             |
| 29 | <i>Director of Revenue</i>             |             |             |             |
| 30 | General Revenues                       | 1,244,266   | 764,625     | 2,008,891   |
| 31 | <i>Office of Revenue Analysis</i>      |             |             |             |
| 32 | General Revenues                       | 788,009     | (57,727)    | 730,282     |
| 33 | <i>Lottery Division</i>                |             |             |             |
| 34 | Other Funds                            | 375,039,436 | (5,483,959) | 369,555,477 |

|    |  |             |             |             |
|----|--|-------------|-------------|-------------|
| 1  | <i>Municipal Finance</i>                 |             |             |             |
| 2  | General Revenues                         | 3,111,025   | (168,494)   | 2,942,531   |
| 3  | <i>Taxation</i>                          |             |             |             |
| 4  | General Revenues                         | 22,775,987  | 1,663,729   | 24,439,716  |
| 5  | Federal Funds                            | 1,361,360   | (88,354)    | 1,273,006   |
| 6  | Restricted Receipts                      | 945,239     | (61,850)    | 883,389     |
| 7  | Other Funds                              |             |             |             |
| 8  | Motor Fuel Tax Evasion                   | 176,148     | (21,182)    | 154,966     |
| 9  | Temporary Disability Insurance Fund      | 1,004,487   | (64,520)    | 939,967     |
| 10 | Total – Taxation                         | 26,263,221  | 1,427,823   | 27,691,044  |
| 11 | <i>Registry of Motor Vehicles</i>        |             |             |             |
| 12 | General Revenues                         | 21,175,553  | 4,062,510   | 25,238,063  |
| 13 | Federal Funds                            | 206,140     | 8,147       | 214,287     |
| 14 | Restricted Receipts                      | 2,094,763   | 0           | 2,094,763   |
| 15 | Total - Registry of Motor Vehicles       | 23,476,456  | 4,070,657   | 27,547,113  |
| 16 | <i>State Aid</i>                         |             |             |             |
| 17 | General Revenues                         |             |             |             |
| 18 | Distressed Communities Relief Fund       | 12,384,458  | 0           | 12,384,458  |
| 19 | Payment in Lieu of Tax Exempt Properties | 45,205,606  | 0           | 45,205,606  |
| 20 | Motor Vehicle Excise Tax Payments        | 36,000,000  | (1,455,809) | 34,544,191  |
| 21 | Property Revaluation Program             | 937,228     | 0           | 937,228     |
| 22 | Restricted Receipts                      | 922,013     | 0           | 922,013     |
| 23 | Total – State Aid                        | 95,449,305  | (1,455,809) | 93,993,496  |
| 24 | Grand Total – Revenue                    | 525,371,718 | (902,884)   | 524,468,834 |
| 25 | <b>Legislature</b>                       |             |             |             |
| 26 | General Revenues                         | 40,522,507  | 5,162,274   | 45,684,781  |
| 27 | Restricted Receipts                      | 1,729,957   | (85,200)    | 1,644,757   |
| 28 | Grand Total – Legislature                | 42,252,464  | 5,077,074   | 47,329,538  |
| 29 | <b>Lieutenant Governor</b>               |             |             |             |
| 30 | General Revenues                         | 1,084,217   | (28,230)    | 1,055,987   |
| 31 | <b>Secretary of State</b>                |             |             |             |
| 32 | <i>Administration</i>                    |             |             |             |
| 33 | General Revenues                         | 3,382,625   | 13,344      | 3,395,969   |
| 34 | <i>Corporations</i>                      |             |             |             |

|    |   |           |           |           |
|----|---|-----------|-----------|-----------|
| 1  | General Revenues  | 2,224,127 | 10,731    | 2,234,858 |
| 2  | <i>State Archives</i>   |           |           |           |
| 3  | General Revenues  | 87,150    | 9,427     | 96,577    |
| 4  | Restricted Receipts   | 414,478   | (2,812)   | 411,666   |
| 5  | Other Funds   |           |           |           |
| 6  | Rhode Island Capital Plan Funds   |           |           |           |
| 7  | State Archives  | 0         | 107,546   | 107,546   |
| 8  | Total - State Archives  | 501,628   | 114,161   | 615,789   |
| 9  | <i>Elections &amp; Civics</i>   |           |           |           |
| 10 | General Revenues  | 1,906,470 | 83,397    | 1,989,867 |
| 11 | Federal Funds   | 0         | 22,859    | 22,859    |
| 12 | Total – Elections & Civics  | 1,906,470 | 106,256   | 2,012,726 |
| 13 | <i>State Library</i>  |           |           |           |
| 14 | General Revenues  | 723,385   | (125,223) | 598,162   |
| 15 | Provided that \$125,000 be allocated to support the Rhode Island Historical Society           |           |           |           |
| 16 | pursuant to Rhode Island General Law, Section 29-2-1 and \$18,000 be allocated to support the |           |           |           |
| 17 | Newport Historical Society, pursuant to Rhode Island General Law, Section 29-2-2.             |           |           |           |
| 18 | <i>Office of Public Information</i>   |           |           |           |
| 19 | General Revenues  | 587,562   | (43,579)  | 543,983   |
| 20 | Restricted Receipts   | 25,000    | 0         | 25,000    |
| 21 | Total – Office of Public Information  | 612,562   | (43,579)  | 568,983   |
| 22 | Grand Total – Secretary of State  | 9,350,797 | 75,690    | 9,426,487 |
| 23 | <b>General Treasurer</b>  |           |           |           |
| 24 | <i>Treasury</i>   |           |           |           |
| 25 | General Revenues  | 2,456,017 | 165,553   | 2,621,570 |
| 26 | Federal Funds   | 290,987   | 16,356    | 307,343   |
| 27 | Other Funds   |           |           |           |
| 28 | Temporary Disability Insurance Fund   | 226,879   | 45,100    | 271,979   |
| 29 | Tuition Savings Program - Administration  | 323,363   | 48,008    | 371,371   |
| 30 | Total – Treasury  | 3,297,246 | 275,017   | 3,572,263 |
| 31 | <i>State Retirement System</i>  |           |           |           |
| 32 | Restricted Receipts   |           |           |           |
| 33 | Admin Expenses - State Retirement System  | 9,244,408 | 303,749   | 9,548,157 |
| 34 | Retirement - Treasury Investment Operations   | 1,545,880 | 115,770   | 1,661,650 |

|    |  |            |            |             |
|----|--|------------|------------|-------------|
| 1  | Defined Contribution – Administration      | 178,238    | (78,308)   | 99,930      |
| 2  | Total - State Retirement System            | 10,968,526 | 341,211    | 11,309,737  |
| 3  | <i>Unclaimed Property</i>                  |            |            |             |
| 4  | Restricted Receipts                        | 26,324,334 | 1,015,589  | 27,339,923  |
| 5  | <i>Crime Victim Compensation Program</i>   |            |            |             |
| 6  | General Revenues                           | 242,675    | 31,152     | 273,827     |
| 7  | Federal Funds                              | 799,350    | (72,682)   | 726,668     |
| 8  | Restricted Receipts                        | 1,132,319  | (192,350)  | 939,969     |
| 9  | Total - Crime Victim Compensation          |            |            |             |
| 10 | Program                                    | 2,174,344  | (233,880)  | 1,940,464   |
| 11 | Grand Total – General Treasurer            | 42,764,450 | 1,397,937  | 44,162,387  |
| 12 | <b>Board of Elections</b>                  |            |            |             |
| 13 | General Revenues                           | 1,548,735  | 55,875     | 1,604,610   |
| 14 | <b>Rhode Island Ethics Commission</b>      |            |            |             |
| 15 | General Revenues                           | 1,665,873  | 41,946     | 1,707,819   |
| 16 | <b>Office of Governor</b>                  |            |            |             |
| 17 | General Revenues                           |            |            |             |
| 18 | General Revenues                           | 5,147,554  | 120,544    | 5,268,098   |
| 19 | Contingency Fund                           | 250,000    | (32,911)   | 217,089     |
| 20 | Grand Total – Office of Governor           | 5,397,554  | 87,633     | 5,485,187   |
| 21 | <b>Commission for Human Rights</b>         |            |            |             |
| 22 | General Revenues                           | 1,258,074  | 15,313     | 1,273,387   |
| 23 | Federal Funds                              | 432,028    | 13,379     | 445,407     |
| 24 | Grand Total - Commission for Human         |            |            |             |
| 25 | Rights                                     | 1,690,102  | 28,692     | 1,718,794   |
| 26 | <b>Public Utilities Commission</b>         |            |            |             |
| 27 | Federal Funds                              | 129,225    | 36,368     | 165,593     |
| 28 | Restricted Receipts                        | 9,007,118  | 248,549    | 9,255,667   |
| 29 | Grand Total - Public Utilities             |            |            |             |
| 30 | Commission                                 | 9,136,343  | 284,917    | 9,421,260   |
| 31 | <b>Office of Health and Human Services</b> |            |            |             |
| 32 | <i>Central Management</i>                  |            |            |             |
| 33 | General Revenues                           | 26,992,150 | (325,583)  | 26,666,567  |
| 34 | Federal Funds                              | 97,940,878 | 32,619,161 | 130,560,039 |

|    |  |               |             |               |
|----|--|---------------|-------------|---------------|
| 1  | Restricted Receipts  | 7,942,269     | 6,593,843   | 14,536,112    |
| 2  | Total – Central Management   | 132,875,297   | 38,887,421  | 171,762,718   |
| 3  | <i>Medical Assistance</i>  |               |             |               |
| 4  | General Revenues   |               |             |               |
| 5  | Managed Care   | 305,669,199   | 8,466,920   | 314,136,119   |
| 6  | Hospitals  | 97,204,474    | (2,534,030) | 94,670,444    |
| 7  | Nursing Facilities   | 87,025,458    | 9,641,462   | 96,666,920    |
| 8  | Home and Community Based Services  | 29,133,178    | (4,431,528) | 24,701,650    |
| 9  | Of this amount, \$250,000 will be for home modification and accessibility enhancements to            |               |             |               |
| 10 | construct, retrofit and/or renovate residences to allow individuals to remain in community settings. |               |             |               |
| 11 | This will be in consultation with the Governor's Commission on Disabilities.                         |               |             |               |
| 12 | Other Services   | 66,474,753    | (138,216)   | 66,336,537    |
| 13 | Pharmacy   | 63,129,216    | 814,652     | 63,943,868    |
| 14 | Rhody Health   | 288,671,528   | 3,666,071   | 292,337,599   |
| 15 | Federal Funds  |               |             |               |
| 16 | Managed Care   | 384,843,395   | 18,220,486  | 403,063,881   |
| 17 | Hospitals  | 100,778,630   | (2,745,493) | 98,033,137    |
| 18 | Nursing Facilities   | 91,818,475    | 4,514,605   | 96,333,080    |
| 19 | Home and Community Based Services  | 30,737,717    | (4,939,367) | 25,798,350    |
| 20 | Other Services   | 507,836,076   | (7,346,881) | 500,489,195   |
| 21 | Pharmacy   | (1,060,683)   | 377,265     | (683,418)     |
| 22 | Rhody Health   | 302,930,915   | 5,866,046   | 308,796,961   |
| 23 | Other Programs   | 42,500,000    | 0           | 42,500,000    |
| 24 | Restricted Receipts  | 11,274,268    | 0           | 11,274,268    |
| 25 | Total - Medical Assistance   | 2,408,966,599 | 29,431,992  | 2,438,398,591 |
| 26 | Grand Total – Office of Health and   |               |             |               |
| 27 | Human Services   | 2,541,841,896 | 68,319,413  | 2,610,161,309 |
| 28 | <b>Children, Youth, and Families</b>   |               |             |               |
| 29 | <i>Central Management</i>  |               |             |               |
| 30 | General Revenues   | 7,157,480     | 1,942,177   | 9,099,657     |
| 31 | Federal Funds  | 2,831,574     | 1,761,597   | 4,593,171     |
| 32 | Total - Central Management   | 9,989,054     | 3,703,774   | 13,692,828    |
| 33 | <i>Children's Behavioral Health Services</i>   |               |             |               |
| 34 | General Revenues   | 5,099,171     | 1,563,886   | 6,663,057     |

|    |  |             |             |             |
|----|--|-------------|-------------|-------------|
| 1  | Federal Funds                            | 5,447,794   | 199,111     | 5,646,905   |
| 2  | Other Funds                              |             |             |             |
| 3  | Rhode Island Capital Plan Funds          |             |             |             |
| 4  | Training School Repairs/Improvements     | 550,000     | (550,000)   | 0           |
| 5  | Total - Children's Behavioral Health     |             |             |             |
| 6  | Services                                 | 11,096,965  | 1,212,997   | 12,309,962  |
| 7  | <i>Juvenile Correctional Services</i>    |             |             |             |
| 8  | General Revenues                         | 22,824,456  | 338,818     | 23,163,274  |
| 9  | Federal Funds                            | 280,282     | 5,006       | 285,288     |
| 10 | Restricted Receipts                      | 0           | 64,304      | 64,304      |
| 11 | Other Funds                              |             |             |             |
| 12 | Rhode Island Capital Plan Funds          |             |             |             |
| 13 | Training School Maintenance              | 0           | 550,000     | 550,000     |
| 14 | Generators – Rhode Island Training       |             |             |             |
| 15 | School                                   | 500,000     | 150,000     | 650,000     |
| 16 | Total - Juvenile Correctional            |             |             |             |
| 17 | Services                                 | 23,604,738  | 1,108,128   | 24,712,866  |
| 18 | <i>Child Welfare</i>                     |             |             |             |
| 19 | General Revenues                         | 96,928,649  | 17,862,315  | 114,790,964 |
| 20 | 18 to 21 Year Olds                       | 13,646,106  | (1,046,490) | 12,599,616  |
| 21 | Federal Funds                            | 43,160,424  | 5,529,388   | 48,689,812  |
| 22 | 18 to 21 Year Olds                       | 7,295,085   | (5,100,068) | 2,195,017   |
| 23 | Restricted Receipts                      | 3,128,707   | (307,798)   | 2,820,909   |
| 24 | Total - Child Welfare                    | 164,158,971 | 16,937,347  | 181,096,318 |
| 25 | <i>Higher Education Incentive Grants</i> |             |             |             |
| 26 | General Revenues                         | 200,000     | 0           | 200,000     |
| 27 | Grand Total - Children, Youth, and       |             |             |             |
| 28 | Families                                 | 209,049,728 | 22,962,246  | 232,011,974 |
| 29 | <b>Health</b>                            |             |             |             |
| 30 | <i>Central Management</i>                |             |             |             |
| 31 | General Revenues                         | 789,523     | 1,214,895   | 2,004,418   |
| 32 | Federal Funds                            | 3,646,373   | 383,016     | 4,029,389   |
| 33 | Restricted Receipts                      | 4,976,359   | 1,751,222   | 6,727,581   |
| 34 | Total - Central Management               | 9,412,255   | 3,349,133   | 12,761,388  |

|    |  |             |             |             |
|----|--|-------------|-------------|-------------|
| 1  | <i>Community Health and Equity</i>   |             |             |             |
| 2  | General Revenues   | 691,032     | (16,866)    | 674,166     |
| 3  | Federal Funds  | 71,790,291  | (4,809,603) | 66,980,688  |
| 4  | Restricted Receipts  | 32,202,603  | 1,845,336   | 34,047,939  |
| 5  | Total – Community Health and Equity  | 104,683,926 | (2,981,133) | 101,702,793 |
| 6  | <i>Environmental Health</i>  |             |             |             |
| 7  | General Revenues   | 5,100,209   | 101,822     | 5,202,031   |
| 8  | Federal Funds  | 7,325,459   | (97,725)    | 7,227,734   |
| 9  | Restricted Receipts  | 239,613     | 98,117      | 337,730     |
| 10 | Total - Environmental Health   | 12,665,281  | 102,214     | 12,767,495  |
| 11 | <i>Health Laboratories and Medical Examiner</i>                            |             |             |             |
| 12 | General Revenues   | 9,531,063   | 627,700     | 10,158,763  |
| 13 | Federal Funds  | 2,034,544   | (120,179)   | 1,914,365   |
| 14 | Total - Health Laboratories &  |             |             |             |
| 15 | Medical Examiner   | 11,565,607  | 507,521     | 12,073,128  |
| 16 | <i>Customer Services</i>   |             |             |             |
| 17 | General Revenues   | 6,324,375   | (266,702)   | 6,057,673   |
| 18 | Federal Funds  | 4,193,231   | (166,613)   | 4,026,618   |
| 19 | Restricted Receipts  | 1,087,647   | 199,768     | 1,287,415   |
| 20 | Total – Customer Service   | 11,605,253  | (233,547)   | 11,371,706  |
| 21 | <i>Policy, Information and Communications</i>                              |             |             |             |
| 22 | General Revenues   | 837,790     | 100,677     | 938,467     |
| 23 | Federal Funds  | 2,354,457   | 380,576     | 2,735,033   |
| 24 | Restricted Receipts  | 872,764     | 638,185     | 1,510,949   |
| 25 | Total – Policy, Information  |             |             |             |
| 26 | and Communications   | 4,065,011   | 1,119,438   | 5,184,449   |
| 27 | <i>Preparedness, Response, Infectious Disease &amp; Emergency Services</i> |             |             |             |
| 28 | General Revenues   | 1,619,131   | (67,532)    | 1,551,599   |
| 29 | Federal Funds  | 14,028,957  | (629,068)   | 13,399,889  |
| 30 | Total – Preparedness, Response, Infectious                                 |             |             |             |
| 31 | Disease & Emergency Services   | 15,648,088  | (696,600)   | 14,951,488  |
| 32 | Grand Total – Health   | 169,645,421 | 1,167,026   | 170,812,447 |
| 33 | <b>Human Services</b>  |             |             |             |
| 34 | <i>Central Management</i>  |             |             |             |

|    |  |             |           |             |
|----|--|-------------|-----------|-------------|
| 1  | General Revenues   | 3,410,108   | 448,036   | 3,858,144   |
| 2  | Of this amount, \$300,000 is to support the Domestic Violence Prevention Fund to provide           |             |           |             |
| 3  | direct services through the Coalition Against Domestic Violence, \$250,000 is to support Project   |             |           |             |
| 4  | Reach activities provided by the RI Alliance of Boys and Girls Club, \$217,000 is for outreach and |             |           |             |
| 5  | supportive services through Day One, \$175,000 is for food collection and distribution through the |             |           |             |
| 6  | Rhode Island Community Food Bank, \$300,000 for services provided to the homeless at Crossroads    |             |           |             |
| 7  | Rhode Island, and \$520,000 for the Community Action Fund and \$200,000 for the Institute for the  |             |           |             |
| 8  | Study and Practice of Nonviolence's Reduction Strategy.  |             |           |             |
| 9  | Federal Funds  | 3,973,906   | 797,459   | 4,771,365   |
| 10 | Restricted Receipts  | 507,991     | (413,808) | 94,183      |
| 11 | Total - Central Management   | 7,892,005   | 831,687   | 8,723,692   |
| 12 | <i>Child Support Enforcement</i>   |             |           |             |
| 13 | General Revenues   | 3,081,319   | 245,422   | 3,326,741   |
| 14 | Federal Funds  | 7,868,794   | 49,172    | 7,917,966   |
| 15 | Total – Child Support Enforcement  | 10,950,113  | 294,594   | 11,244,707  |
| 16 | <i>Individual and Family Support</i>   |             |           |             |
| 17 | General Revenues   | 20,663,169  | 4,477,061 | 25,140,230  |
| 18 | Federal Funds  | 99,042,651  | 2,875,172 | 101,917,823 |
| 19 | Restricted Receipts  | 386,650     | 44,901    | 431,551     |
| 20 | Other Funds  |             |           |             |
| 21 | Food Stamp Bonus Funding   | 0           | 170,000   | 170,000     |
| 22 | Intermodal Surface Transportation Fund   | 4,428,478   | 0         | 4,428,478   |
| 23 | Rhode Island Capital Plan Funds  |             |           |             |
| 24 | Blind Vending Facilities   | 165,000     | 73,000    | 238,000     |
| 25 | Total - Individual and Family Support  | 124,685,948 | 7,640,134 | 132,326,082 |
| 26 | <i>Office of Veterans' Affairs</i>   |             |           |             |
| 27 | General Revenues   | 20,601,826  | 2,327,010 | 22,928,836  |
| 28 | Of this amount, \$200,000 to provide support services through Veterans' Organizations.             |             |           |             |
| 29 | Federal Funds  | 19,211,211  | 1,427,111 | 20,638,322  |
| 30 | Restricted Receipts  | 2,241,167   | (531,414) | 1,709,753   |
| 31 | Total – Office Veterans' Affairs   | 42,054,204  | 3,222,707 | 45,276,911  |
| 32 | <i>Health Care Eligibility</i>   |             |           |             |
| 33 | General Revenues   | 6,045,119   | 1,238,202 | 7,283,321   |
| 34 | Federal Funds  | 8,001,670   | 1,971,989 | 9,973,659   |

|    |  |             |             |             |
|----|--|-------------|-------------|-------------|
| 1  | Total - Health Care Eligibility  | 14,046,789  | 3,210,191   | 17,256,980  |
| 2  | <i>Supplemental Security Income Program</i>  |             |             |             |
| 3  | General Revenues   | 18,548,119  | 1,413,881   | 19,962,000  |
| 4  | <i>Rhode Island Works</i>  |             |             |             |
| 5  | General Revenues   | 10,612,819  | (723,186)   | 9,889,633   |
| 6  | Federal Funds  | 82,662,141  | (987,843)   | 81,674,298  |
| 7  | Total – Rhode Island Works   | 93,274,960  | (1,711,029) | 91,563,931  |
| 8  | <i>Other Programs</i>  |             |             |             |
| 9  | General Revenues   | 1,558,951   | (345,071)   | 1,213,880   |
| 10 | Of this appropriation, <del>\$180,000</del> <u>\$90,000</u> shall be used for hardship contingency |             |             |             |
| 11 | payments.  |             |             |             |
| 12 | Federal Funds  | 282,060,431 | (1,430,675) | 280,629,756 |
| 13 | Total - Other Programs   | 283,619,382 | (1,775,746) | 281,843,636 |
| 14 | <i>Elderly Affairs</i>   |             |             |             |
| 15 | General Revenues   | 6,592,188   | 663,713     | 7,255,901   |
| 16 | Of this amount, \$140,000 is to provide elder services, including respite, through the Diocese     |             |             |             |
| 17 | of Providence, \$40,000 for ombudsman services provided by the Alliance for Long Term Care in      |             |             |             |
| 18 | accordance with Rhode Island General Law, Chapter 42-66.7, \$85,000 for security for housing for   |             |             |             |
| 19 | the elderly in accordance with Rhode Island General Law, Section 42-66.1-3, \$400,000 for Senior   |             |             |             |
| 20 | Services Support and \$580,000 for elderly nutrition, of which \$530,000 is for Meals on Wheels.   |             |             |             |
| 21 | Federal Funds  | 12,763,393  | 629,253     | 13,392,646  |
| 22 | Restricted Receipts  | 134,428     | 12,507      | 146,935     |
| 23 | RIPAE  | 120,693     | (87,693)    | 33,000      |
| 24 | Total – Elderly Affairs  | 19,610,702  | 1,217,780   | 20,828,482  |
| 25 | Grand Total - Human Services   | 614,682,222 | 14,344,199  | 629,026,421 |
| 26 | <b>Behavioral Healthcare, Developmental Disabilities, and Hospitals</b>                            |             |             |             |
| 27 | <i>Central Management</i>  |             |             |             |
| 28 | General Revenues   | 1,655,306   | 279,743     | 1,935,049   |
| 29 | Federal Funds  | 0           | 725,000     | 725,000     |
| 30 | Total - Central Management   | 1,655,306   | 1,004,743   | 2,660,049   |
| 31 | <i>Hospital and Community System Support</i>   |             |             |             |
| 32 | General Revenues   | 2,067,954   | 664,717     | 2,732,671   |
| 33 | Other Funds  |             |             |             |
| 34 | Rhode Island Capital Plan Funds  |             |             |             |

|    |   |             |            |             |
|----|---|-------------|------------|-------------|
| 1  | Medical Center Rehabilitation   | 250,000     | 24,784     | 274,784     |
| 2  | Community Facilities Fire Code  | 400,000     | (400,000)  | 0           |
| 3  | Total - Hospital and Community System   |             |            |             |
| 4  | Support   | 2,717,954   | 289,501    | 3,007,455   |
| 5  | <i>Services for the Developmentally Disabled</i>  |             |            |             |
| 6  | General Revenues  | 123,584,106 | 6,863,188  | 130,447,294 |
| 7  | Of this general revenue funding, \$3.0 million shall be expended on private provider direct     |             |            |             |
| 8  | support staff raises and associated payroll costs as authorized by the Department of Behavioral |             |            |             |
| 9  | Healthcare, Developmental Disabilities and Hospitals. Any increases for direct support staff in |             |            |             |
| 10 | residential or other community based settings must first receive the approval of the Office of  |             |            |             |
| 11 | Management and Budget and the Executive Office of Health and Human Services.                    |             |            |             |
| 12 | Federal Funds   | 130,151,094 | 9,217,503  | 139,368,597 |
| 13 | Restricted Receipts   | 1,872,560   | (340,310)  | 1,532,250   |
| 14 | Other Funds   |             |            |             |
| 15 | Rhode Island Capital Plan Funds   |             |            |             |
| 16 | Community Facilities Fire Code  | 0           | 50,000     | 50,000      |
| 17 | DD Private Waiver   | 100,000     | 0          | 100,000     |
| 18 | Regional Center Repair/Rehab  | 300,000     | (159,725)  | 140,275     |
| 19 | MR Community Facilities/Access to Ind.  | 500,000     | 0          | 500,000     |
| 20 | Total - Services for the Developmentally  |             |            |             |
| 21 | Disabled  | 256,507,760 | 15,630,656 | 272,138,416 |
| 22 | <i>Behavioral Healthcare Services</i>   |             |            |             |
| 23 | General Revenues  | 2,543,780   | 323,178    | 2,866,958   |
| 24 | Federal Funds   | 24,368,659  | 210,214    | 24,578,873  |
| 25 | Of this federal funding, \$900,000 shall be expended on the Municipal Substance Abuse           |             |            |             |
| 26 | Task Forces, \$250,000 for the Oasis Wellness and Recovery Center and \$128,000 shall be        |             |            |             |
| 27 | expended on NAMI of RI.   |             |            |             |
| 28 | Restricted Receipts   | 100,000     | 0          | 100,000     |
| 29 | Other Funds   |             |            |             |
| 30 | Rhode Island Capital Plan Funds   |             |            |             |
| 31 | MH Community Facilities Repair  | 200,000     | 0          | 200,000     |
| 32 | MH Housing Development Thresholds   | 800,000     | 0          | 800,000     |
| 33 | Substance Abuse Asset Protection  | 150,000     | 9,037      | 159,037     |
| 34 | Total – Behavioral Healthcare Services  | 28,162,439  | 542,429    | 28,704,868  |

|    |   |                       |                        |                       |
|----|---|-----------------------|------------------------|-----------------------|
| 1  | <i>Hospital and Community Rehabilitative Services</i> |                       |                        |                       |
| 2  | <del>General Revenues</del>                           | <del>46,597,476</del> | <del>6,577,366</del>   | <del>53,174,842</del> |
| 3  | <u>General Revenues</u>                               | <u>46,597,476</u>     | <u>7,370,428</u>       | <u>53,967,904</u>     |
| 4  | <del>Federal Funds</del>                              | <del>49,747,706</del> | <del>10,421,817</del>  | <del>60,169,523</del> |
| 5  | <u>Federal Funds</u>                                  | <u>49,747,706</u>     | <u>9,994,297</u>       | <u>59,742,003</u>     |
| 6  | <del>Restricted Receipts</del>                        | <del>6,536,595</del>  | <del>(1,824,347)</del> | <del>4,712,248</del>  |
| 7  | <u>Restricted Receipts</u>                            | <u>6,536,595</u>      | <u>(2,198,889)</u>     | <u>4,346,706</u>      |
| 8  | Other Funds   |                       |                        |                       |
| 9  | Rhode Island Capital Plan Funds                       |                       |                        |                       |
| 10 | Zambarano Buildings and Utilities                     | 280,000               | 100,640                | 380,640               |
| 11 | Hospital Consolidation                                | 3,310,000             | (3,310,000)            | 0                     |
| 12 | Eleanor Slater HVAC/Elevators                         | 250,000               | 2,134,265              | 2,384,265             |
| 13 | MR Community Facilities                               | 1,025,000             | (275,000)              | 750,000               |
| 14 | Hospital Equipment                                    | 300,000               | (4,908)                | 295,092               |
| 15 | Total - Hospital and Community                        |                       |                        |                       |
| 16 | Rehabilitative Services                               | 108,046,777           | 13,819,833             | 121,866,610           |
| 17 | Grand Total – Behavioral Healthcare,                  |                       |                        |                       |
| 18 | Developmental Disabilities, and Hospitals             | 397,090,236           | 31,287,162             | 428,377,398           |
| 19 | <b>Office of the Child Advocate</b>                   |                       |                        |                       |
| 20 | General Revenues                                      | 781,499               | (52,941)               | 728,558               |
| 21 | Federal Funds   | 144,621               | 89,357                 | 233,978               |
| 22 | Grand Total – Office of the Child Advocate            | 926,120               | 36,416                 | 962,536               |
| 23 | <b>Commission on the Deaf and Hard of Hearing</b>     |                       |                        |                       |
| 24 | General Revenues                                      | 498,710               | (43,977)               | 454,733               |
| 25 | Restricted Receipts                                   | 129,200               | 0                      | 129,200               |
| 26 | Grand Total – Comm. on Deaf and Hard of               |                       |                        |                       |
| 27 | Hearing   | 627,910               | (43,977)               | 583,933               |
| 28 | <b>Governor's Commission on Disabilities</b>          |                       |                        |                       |
| 29 | General Revenues                                      | 454,938               | 27,378                 | 482,316               |
| 30 | Federal Funds   | 343,542               | (8,375)                | 335,167               |
| 31 | Restricted Receipts                                   | 43,710                | 9,888                  | 53,598                |
| 32 | Grand Total - Governor's Commission on                |                       |                        |                       |
| 33 | Disabilities  | 842,190               | 28,891                 | 871,081               |
| 34 | <b>Office of the Mental Health Advocate</b>           |                       |                        |                       |

|    |   |             |             |             |
|----|---|-------------|-------------|-------------|
| 1  | General Revenues  | 549,563     | 83,910      | 633,473     |
| 2  | <b>Elementary and Secondary Education</b>   |             |             |             |
| 3  | <i>Administration of the Comprehensive Education Strategy</i>                                     |             |             |             |
| 4  | General Revenues  | 20,106,907  | 306,614     | 20,413,521  |
| 5  | Provided that \$90,000 be allocated to support the hospital school at Hasbro Children's           |             |             |             |
| 6  | Hospital pursuant to Rhode Island General Law, Section 16-7-20 and that \$245,000 be allocated to |             |             |             |
| 7  | support child opportunity zones through agreements with the Department of Elementary and          |             |             |             |
| 8  | Secondary Education to strengthen education, health and social services for students and their    |             |             |             |
| 9  | families as a strategy to accelerate student achievement.   |             |             |             |
| 10 | Federal Funds   | 201,868,995 | 5,466,888   | 207,335,883 |
| 11 | Restricted Receipts   |             |             |             |
| 12 | Restricted Receipts   | 2,241,390   | (151,259)   | 2,090,131   |
| 13 | HRIC Adult Education Grants   | 3,500,000   | 0           | 3,500,000   |
| 14 | Total – Administration of the   |             |             |             |
| 15 | Comprehensive Education Strategy  | 227,717,292 | 5,622,243   | 233,339,535 |
| 16 | <i>Davies Career and Technical School</i>   |             |             |             |
| 17 | General Revenues  | 13,358,058  | 40,885      | 13,398,943  |
| 18 | Federal Funds   | 1,376,685   | 54,770      | 1,431,455   |
| 19 | Restricted Receipts   | 3,716,922   | (21,004)    | 3,695,918   |
| 20 | Other Funds   |             |             |             |
| 21 | Rhode Island Capital Plan Funds   |             |             |             |
| 22 | Davies HVAC   | 1,000,000   | (675,845)   | 324,155     |
| 23 | Davies Asset Protection   | 150,000     | 224,041     | 374,041     |
| 24 | Davies Advanced Manufacturing   | 3,650,000   | (3,250,000) | 400,000     |
| 25 | Total - Davies Career and Technical   |             |             |             |
| 26 | School  | 23,251,665  | (3,627,153) | 19,624,512  |
| 27 | <i>RI School for the Deaf</i>   |             |             |             |
| 28 | General Revenues  | 6,269,979   | 28,890      | 6,298,869   |
| 29 | Federal Funds   | 254,320     | 299,504     | 553,824     |
| 30 | Restricted Receipts   | 777,791     | 55,972      | 833,763     |
| 31 | Other Funds   |             |             |             |
| 32 | School for the Deaf –Transformation Grants  | 59,000      | 0           | 59,000      |
| 33 | Total - RI School for the Deaf  | 7,361,090   | 384,366     | 7,745,456   |
| 34 | <i>Metropolitan Career and Technical School</i>   |             |             |             |

|    |  |               |             |               |
|----|--|---------------|-------------|---------------|
| 1  | General Revenues   | 9,342,007     | 0           | 9,342,007     |
| 2  | Other Funds  |               |             |               |
| 3  | Rhode Island Capital Plan Funds  |               |             |               |
| 4  | MET School Asset Protection  | 250,000       | 0           | 250,000       |
| 5  | Met School HVAC  | 2,173,000     | 428,619     | 2,601,619     |
| 6  | Total – Metropolitan Career and  |               |             |               |
| 7  | Technical School   | 11,765,007    | 428,619     | 12,193,626    |
| 8  | <i>Education Aid</i>   |               |             |               |
| 9  | General Revenues   | 890,282,092   | (66,040)    | 890,216,052   |
| 10 | Restricted Receipts  | 20,184,044    | 2,754,585   | 22,938,629    |
| 11 | Other Funds  |               |             |               |
| 12 | Permanent School Fund  | 300,000       | 0           | 300,000       |
| 13 | Total – Education Aid  | 910,766,136   | 2,688,545   | 913,454,681   |
| 14 | <i>Central Falls School District</i>   |               |             |               |
| 15 | General Revenues   | 39,878,367    | 0           | 39,878,367    |
| 16 | <i>School Construction Aid</i>   |               |             |               |
| 17 | General Revenues   |               |             |               |
| 18 | School Housing Aid   | 70,907,110    | (1,827,554) | 69,079,556    |
| 19 | School Building Authority Fund   | 9,092,890     | 1,827,554   | 10,920,444    |
| 20 | Total – School Construction Aid  | 80,000,000    | 0           | 80,000,000    |
| 21 | <i>Teachers' Retirement</i>  |               |             |               |
| 22 | General Revenues   | 101,833,986   | (60,058)    | 101,773,928   |
| 23 | Grand Total - Elementary and Secondary   |               |             |               |
| 24 | Education  | 1,402,573,543 | 5,436,562   | 1,408,010,105 |
| 25 | <b>Public Higher Education</b>   |               |             |               |
| 26 | <i>Office of Postsecondary Commissioner</i>  |               |             |               |
| 27 | General Revenues   | 14,578,459    | (629,861)   | 13,948,598    |
| 28 | Provided that \$355,000 shall be allocated to Rhode Island College Crusade pursuant to Rhode                         |               |             |               |
| 29 | Island General Law, Section 16-70-5 and that \$30,000 shall be allocated to Best Buddies Rhode                       |               |             |               |
| 30 | Island to support its programs for children with developmental and intellectual disabilities. It is                  |               |             |               |
| 31 | also provided that <del>\$2,750,000</del> <a href="#">\$2,981,086</a> shall be allocated to the Rhode Island Promise |               |             |               |
| 32 | Scholarship program.   |               |             |               |
| 33 | Federal Funds  |               |             |               |
| 34 | Federal Funds  | 3,707,287     | 394,000     | 4,101,287     |

|    |   |             |             |             |
|----|---|-------------|-------------|-------------|
| 1  | Guaranty Agency Administration  | 5,576,382   | (5,264)     | 5,571,118   |
| 2  | WaytogoRI Portal  | 650,000     | (175,000)   | 475,000     |
| 3  | Guaranty Agency Operating Fund–   |             |             |             |
| 4  | Scholarships & Grants   | 4,000,000   | 0           | 4,000,000   |
| 5  | Restricted Receipts   | 1,490,341   | 492,852     | 1,983,193   |
| 6  | Other Funds   |             |             |             |
| 7  | Tuition Savings Program – Dual Enrollment   | 1,300,000   | 1,340,000   | 2,640,000   |
| 8  | Tuition Savings Program – Scholarship/  |             |             |             |
| 9  | Grants  | 6,095,000   | 0           | 6,095,000   |
| 10 | Nursing Education Center - Operating  | 5,052,544   | (2,545,418) | 2,507,126   |
| 11 | Rhode Island Capital Plan Funds   |             |             |             |
| 12 | Westerly Campus   | 0           | 98,729      | 98,729      |
| 13 | Total – Office of the   |             |             |             |
| 14 | Postsecondary Commissioner  | 42,450,013  | (1,029,962) | 41,420,051  |
| 15 | <i>University of Rhode Island</i>   |             |             |             |
| 16 | General Revenues  |             |             |             |
| 17 | General Revenues  | 77,371,073  | (241,561)   | 77,129,512  |
| 18 | Provided that in order to leverage federal funding and support economic development,                  |             |             |             |
| 19 | \$350,000 shall be allocated to the Small Business Development Center and that \$50,000 shall be      |             |             |             |
| 20 | allocated to Special Olympics Rhode Island to support its mission of providing athletic               |             |             |             |
| 21 | opportunities for individuals with intellectual and developmental disabilities.                       |             |             |             |
| 22 | The University shall not decrease internal student financial aid in the 2017 – 2018 academic          |             |             |             |
| 23 | year below the level of the 2016 – 2017 academic year. The President of the institution shall report, |             |             |             |
| 24 | prior to the commencement of the 2017-2018 academic year, to the chair of the Council of              |             |             |             |
| 25 | Postsecondary Education that such tuition charges and student aid levels have been achieved at the    |             |             |             |
| 26 | start of the FY 2018 as prescribed above.   |             |             |             |
| 27 | Debt Service  | 22,657,568  | 107,338     | 22,764,906  |
| 28 | RI State Forensics Laboratory   | 1,201,087   | (784)       | 1,200,303   |
| 29 | Other Funds   |             |             |             |
| 30 | University and College Funds  | 645,715,072 | (170,646)   | 645,544,426 |
| 31 | Debt – Dining Services  | 1,007,421   | (8,280)     | 999,141     |
| 32 | Debt – Education and General  | 3,491,909   | (11,370)    | 3,480,539   |
| 33 | Debt – Health Services  | 136,271     | 0           | 136,271     |
| 34 | Debt – Housing Loan Funds   | 9,984,968   | (233,320)   | 9,751,648   |

|    |                                       |             |           |             |
|----|---------------------------------------|-------------|-----------|-------------|
| 1  | Debt – Memorial Union                 | 320,961     | 0         | 320,961     |
| 2  | Debt – Ryan Center                    | 2,423,089   | (29,322)  | 2,393,767   |
| 3  | Debt – Alton Jones Services           | 102,964     | 0         | 102,964     |
| 4  | Debt - Parking Authority              | 1,126,190   | (179,673) | 946,517     |
| 5  | Debt – Sponsored Research             | 84,913      | 15,409    | 100,322     |
| 6  | Debt – Restricted Energy Conservation | 810,170     | (341,744) | 468,426     |
| 7  | Debt – URI Energy Conservation        | 1,831,837   | (50,551)  | 1,781,286   |
| 8  | Rhode Island Capital Plan Funds       |             |           |             |
| 9  | Asset Protection                      | 8,030,000   | 522,287   | 8,552,287   |
| 10 | Fine Arts Center Advanced Planning    | 1,000,000   | 0         | 1,000,000   |
| 11 | White Hall Renovations                | 0           | 228,969   | 228,969     |
| 12 | Electrical Substation                 | 0           | 581,000   | 581,000     |
| 13 | Fire Safety                           | 0           | 373,348   | 373,348     |
| 14 | Biological Resources Lab              | 0           | 1,204,831 | 1,204,831   |
| 15 | Total – University of Rhode Island    | 777,295,493 | 1,765,931 | 779,061,424 |

16 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or  
17 unencumbered balances as of June 30, 2018 relating to the University of Rhode Island are hereby  
18 reappropriated to fiscal year 2019.

19 *Rhode Island College*

|    |                  |            |           |            |
|----|------------------|------------|-----------|------------|
| 20 | General Revenues |            |           |            |
| 21 | General Revenues | 48,188,791 | (285,767) | 47,903,024 |

22 Rhode Island College shall not decrease internal student financial aid in the 2017 – 2018  
23 academic year below the level of the 2016 – 2017 academic year. The President of the institution  
24 shall report, prior to the commencement of the 2017 – 2018 academic year, to the chair of the  
25 Council of Postsecondary Education that such tuition charges and student aid levels have been  
26 achieved at the start of the FY 2018 as prescribed above.

|    |                                  |             |           |             |
|----|----------------------------------|-------------|-----------|-------------|
| 27 | Debt Service                     | 4,867,060   | 1,325,568 | 6,192,628   |
| 28 | Other Funds                      |             |           |             |
| 29 | University and College Funds     | 127,503,637 | (870,851) | 126,632,786 |
| 30 | Debt – Education and General     | 1,473,919   | (592,875) | 881,044     |
| 31 | Debt – Housing                   | 368,262     | 0         | 368,262     |
| 32 | Debt – Student Center and Dining | 154,095     | 0         | 154,095     |
| 33 | Debt – Student Union             | 235,556     | (29,006)  | 206,550     |
| 34 | Debt – G.O. Debt Service         | 1,640,974   | 0         | 1,640,974   |

|   |                                 |             |           |             |
|---|---------------------------------|-------------|-----------|-------------|
| 1 | Debt – Energy Conservation      | 592,875     | 0         | 592,875     |
| 2 | Rhode Island Capital Plan Funds |             |           |             |
| 3 | Asset Protection                | 3,458,431   | 1,210,476 | 4,668,907   |
| 4 | Infrastructure Modernization    | 4,500,000   | 1,032,253 | 5,532,253   |
| 5 | Academic Building Phase I       | 6,100,000   | 0         | 6,100,000   |
| 6 | Total – Rhode Island College    | 199,083,600 | 1,789,798 | 200,873,398 |

7 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or  
8 unencumbered balances as of June 30, 2018 relating to Rhode Island College are hereby  
9 reappropriated to fiscal year 2019.

10 *Community College of Rhode Island*

11 General Revenues

|    |                  |            |           |            |
|----|------------------|------------|-----------|------------|
| 12 | General Revenues | 49,935,710 | (226,463) | 49,709,247 |
|----|------------------|------------|-----------|------------|

13 The Community College of Rhode Island shall not decrease internal student financial aid in  
14 the 2017 – 2018 academic year below the level as the 2016 – 2017 academic year. The President  
15 of the institution shall report, prior to the commencement of the 2017 – 2018 academic year, to the  
16 chair of the Council of Postsecondary Education that such tuition charges and student aid levels  
17 have been achieved at the start of the FY 2018 as prescribed above.

|    |              |           |   |           |
|----|--------------|-----------|---|-----------|
| 18 | Debt Service | 2,082,845 | 0 | 2,082,845 |
|----|--------------|-----------|---|-----------|

|    |                     |         |   |         |
|----|---------------------|---------|---|---------|
| 19 | Restricted Receipts | 683,649 | 0 | 683,649 |
|----|---------------------|---------|---|---------|

20 Other Funds

|    |                              |            |           |            |
|----|------------------------------|------------|-----------|------------|
| 21 | University and College Funds | 99,588,610 | (830,115) | 98,758,495 |
|----|------------------------------|------------|-----------|------------|

|    |   |         |   |         |
|----|---|---------|---|---------|
| 22 | CCRI Debt Service – Energy Conservation | 805,025 | 0 | 805,025 |
|----|---|---------|---|---------|

23 Rhode Island Capital Plan Funds

|    |                  |           |           |           |
|----|------------------|-----------|-----------|-----------|
| 24 | Asset Protection | 2,799,063 | 1,722,759 | 4,521,822 |
|----|------------------|-----------|-----------|-----------|

|    |                              |         |   |         |
|----|------------------------------|---------|---|---------|
| 25 | Knight Campus Lab Renovation | 375,000 | 0 | 375,000 |
|----|------------------------------|---------|---|---------|

|    |                       |           |           |           |
|----|-----------------------|-----------|-----------|-----------|
| 26 | Knight Campus Renewal | 5,000,000 | (649,573) | 4,350,427 |
|----|-----------------------|-----------|-----------|-----------|

|    |                                 |             |        |             |
|----|---------------------------------|-------------|--------|-------------|
| 27 | Total – Community College of RI | 161,269,902 | 16,608 | 161,286,510 |
|----|---------------------------------|-------------|--------|-------------|

28 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or  
29 unencumbered balances as of June 30, 2018 relating to the Community College of Rhode Island  
30 are hereby reappropriated to fiscal year 2019.

31 Grand Total – Public Higher

|    |           |               |           |               |
|----|-----------|---------------|-----------|---------------|
| 32 | Education | 1,180,099,008 | 2,542,375 | 1,182,641,383 |
|----|-----------|---------------|-----------|---------------|

33 **RI State Council on the Arts**

34 General Revenues

|    |  |            |            |            |
|----|--|------------|------------|------------|
| 1  | Operating Support  | 780,056    | (19,503)   | 760,553    |
| 2  | Grants   | 1,165,000  | 0          | 1,165,000  |
| 3  | Provided that \$375,000 be provided to support the operational costs of WaterFire Providence |            |            |            |
| 4  | art installations.   |            |            |            |
| 5  | Federal Funds  | 781,454    | (29,658)   | 751,796    |
| 6  | Restricted Receipts  | 0          | 10,881     | 10,881     |
| 7  | Other Funds  |            |            |            |
| 8  | Arts for Public Facilities   | 345,800    | 54,200     | 400,000    |
| 9  | Grand Total - RI State Council on the Arts   | 3,072,310  | 15,920     | 3,088,230  |
| 10 | <b>RI Atomic Energy Commission</b>   |            |            |            |
| 11 | General Revenues   | 982,157    | 47,070     | 1,029,227  |
| 12 | Federal Funds  | 0          | 36,888     | 36,888     |
| 13 | Other Funds  |            |            |            |
| 14 | URI Sponsored Research   | 272,216    | (454)      | 271,762    |
| 15 | Rhode Island Capital Plan Funds  |            |            |            |
| 16 | RINSC Asset Protection   | 50,000     | 27,649     | 77,649     |
| 17 | Grand Total - RI Atomic Energy   |            |            |            |
| 18 | Commission   | 1,304,373  | 111,153    | 1,415,526  |
| 19 | <b>RI Historical Preservation and Heritage Commission</b>                                    |            |            |            |
| 20 | General Revenues   | 1,121,134  | (90,050)   | 1,031,084  |
| 21 | Provided that \$30,000 support the operational costs of the Fort Adams Trust's restoration   |            |            |            |
| 22 | activities.  |            |            |            |
| 23 | Federal Funds  | 860,963    | 115,240    | 976,203    |
| 24 | Restricted Receipts  | 427,700    | 26,591     | 454,291    |
| 25 | Other Funds  |            |            |            |
| 26 | RIDOT Project Review   | 80,970     | 0          | 80,970     |
| 27 | Grand Total – RI Historical Preservation   |            |            |            |
| 28 | and Heritage Commission  | 2,490,767  | 51,781     | 2,542,548  |
| 29 | <b>Attorney General</b>  |            |            |            |
| 30 | <i>Criminal</i>  |            |            |            |
| 31 | General Revenues   | 16,070,177 | (359,723)  | 15,710,454 |
| 32 | Federal Funds  | 16,988,288 | 12,262,275 | 29,250,563 |
| 33 | Restricted Receipts  | 164,599    | (15,497)   | 149,102    |
| 34 | Total – Criminal   | 33,223,064 | 11,887,055 | 45,110,119 |

|    |  |             |             |             |
|----|--|-------------|-------------|-------------|
| 1  | <i>Civil</i>                             |             |             |             |
| 2  | General Revenues                         | 5,251,678   | (293,893)   | 4,957,785   |
| 3  | Restricted Receipts                      | 631,559     | 11,807      | 643,366     |
| 4  | Total – Civil                            | 5,883,237   | (282,086)   | 5,601,151   |
| 5  | <i>Bureau of Criminal Identification</i> |             |             |             |
| 6  | General Revenues                         | 1,670,102   | (64,274)    | 1,605,828   |
| 7  | <i>General</i>                           |             |             |             |
| 8  | General Revenues                         | 3,202,794   | 26,047      | 3,228,841   |
| 9  | Other Funds                              |             |             |             |
| 10 | Rhode Island Capital Plan Funds          |             |             |             |
| 11 | Building Renovations and Repairs         | 150,000     | 0           | 150,000     |
| 12 | Total – General                          | 3,352,794   | 26,047      | 3,378,841   |
| 13 | Grand Total - Attorney General           | 44,129,197  | 11,566,742  | 55,695,939  |
| 14 | <b>Corrections</b>                       |             |             |             |
| 15 | <i>Central Management</i>                |             |             |             |
| 16 | General Revenues                         | 9,994,732   | 6,371,192   | 16,365,924  |
| 17 | Federal Funds                            | 3,743       | 109,571     | 113,314     |
| 18 | Total – Central Management               | 9,998,475   | 6,480,763   | 16,479,238  |
| 19 | <i>Parole Board</i>                      |             |             |             |
| 20 | General Revenues                         | 1,420,791   | (155,321)   | 1,265,470   |
| 21 | Federal Funds                            | 120,827     | 0           | 120,827     |
| 22 | Total – Parole Board                     | 1,541,618   | (155,321)   | 1,386,297   |
| 23 | <i>Custody and Security</i>              |             |             |             |
| 24 | General Revenues                         | 137,893,460 | (773,984)   | 137,119,476 |
| 25 | Federal Funds                            | 785,392     | 79,155      | 864,547     |
| 26 | Total – Custody and Security             | 138,678,852 | (694,829)   | 137,984,023 |
| 27 | <i>Institutional Support</i>             |             |             |             |
| 28 | General Revenues                         | 14,915,103  | 8,069,272   | 22,984,375  |
| 29 | Other Funds                              |             |             |             |
| 30 | Rhode Island Capital Plan Funds          |             |             |             |
| 31 | Correctional Facilities Study            | 0           | 250,000     | 250,000     |
| 32 | Asset Protection                         | 3,922,042   | (1,422,042) | 2,500,000   |
| 33 | Maximum – General Renovations            | 1,300,000   | 63,091      | 1,363,091   |
| 34 | Dix Building Renovations                 | 1,075,000   | (813,857)   | 261,143     |

|    |  |             |             |             |
|----|--|-------------|-------------|-------------|
| 1  | New Gloria McDonald Building   | 150,000     | (150,000)   | 0           |
| 2  | ISC Exterior Envelope and HVAC   | 2,027,455   | (1,300,000) | 727,455     |
| 3  | Medium Infrastructure  | 7,283,688   | (2,588,687) | 4,695,001   |
| 4  | Total - Institutional Support  | 30,673,288  | 2,107,777   | 32,781,065  |
| 5  | <i>Institutional Based Rehab/Population Management</i>   |             |             |             |
| 6  | General Revenues   | 11,694,520  | 1,712,119   | 13,406,639  |
| 7  | Provided that \$1,050,000 be allocated to Crossroads Rhode Island for sex offender discharge       |             |             |             |
| 8  | planning.  |             |             |             |
| 9  | Federal Funds  | 584,942     | 448,260     | 1,033,202   |
| 10 | Restricted Receipts  | 44,473      | 5,043       | 49,516      |
| 11 | Total – Institutional Based Rehab/Pop/Mgt.   | 12,323,935  | 2,165,422   | 14,489,357  |
| 12 | <i>Healthcare Services</i>   |             |             |             |
| 13 | General Revenues   | 23,800,253  | (315,658)   | 23,484,595  |
| 14 | <i>Community Corrections</i>   |             |             |             |
| 15 | General Revenues   | 18,581,969  | (1,941,001) | 16,640,968  |
| 16 | Federal Funds  | 86,980      | 34,286      | 121,266     |
| 17 | Restricted Receipts  | 14,895      | 0           | 14,895      |
| 18 | Total – Community Corrections  | 18,683,844  | (1,906,715) | 16,777,129  |
| 19 | Grand Total – Corrections  | 235,700,265 | 7,681,439   | 243,381,704 |
| 20 | <b>Judiciary</b>   |             |             |             |
| 21 | <i>Supreme Court</i>   |             |             |             |
| 22 | General Revenues   |             |             |             |
| 23 | General Revenues   | 28,306,302  | 1,259,543   | 29,565,845  |
| 24 | Provided however, that no more than \$1,183,205 in combined total shall be offset to the           |             |             |             |
| 25 | Public Defender's Office, the Attorney General's Office, the Department of Corrections, the        |             |             |             |
| 26 | Department of Children, Youth, and Families, and the Department of Public Safety for square-       |             |             |             |
| 27 | footage occupancy costs in public courthouses and further provided that \$230,000 be allocated to  |             |             |             |
| 28 | the Rhode Island Coalition Against Domestic Violence for the domestic abuse court advocacy         |             |             |             |
| 29 | project pursuant to Rhode Island General Law, Section 12-29-7 and that \$90,000 be allocated to    |             |             |             |
| 30 | Rhode Island Legal Services, Inc. to provide housing and eviction defense to indigent individuals. |             |             |             |
| 31 | Defense of Indigents   | 3,803,166   | 0           | 3,803,166   |
| 32 | Federal Funds  | 121,481     | 20,270      | 141,751     |
| 33 | Restricted Receipts  | 3,980,969   | (598,436)   | 3,382,533   |
| 34 | Other Funds  |             |             |             |

|    |                                       |             |             |             |
|----|---------------------------------------|-------------|-------------|-------------|
| 1  | Rhode Island Capital Plan Funds       |             |             |             |
| 2  | Judicial Complexes - HVAC             | 900,000     | 0           | 900,000     |
| 3  | Judicial Complexes Asset Protection   | 950,000     | 82,391      | 1,032,391   |
| 4  | Licht Judicial Complex Restoration    | 750,000     | 75,956      | 825,956     |
| 5  | Licht Window/Exterior Restoration     | 500,000     | 0           | 500,000     |
| 6  | Noel Shelled Courtroom Build Out      | 4,000,000   | (1,600,000) | 2,400,000   |
| 7  | Total - Supreme Court                 | 43,311,918  | (760,276)   | 42,551,642  |
| 8  | <i>Judicial Tenure and Discipline</i> |             |             |             |
| 9  | General Revenues                      | 146,008     | 2,091       | 148,099     |
| 10 | <i>Superior Court</i>                 |             |             |             |
| 11 | General Revenues                      | 23,379,864  | (686,988)   | 22,692,876  |
| 12 | Federal Funds                         | 91,739      | (485)       | 91,254      |
| 13 | Restricted Receipts                   | 370,781     | 15,170      | 385,951     |
| 14 | Total - Superior Court                | 23,842,384  | (672,303)   | 23,170,081  |
| 15 | <i>Family Court</i>                   |             |             |             |
| 16 | General Revenues                      | 20,695,682  | 97,506      | 20,793,188  |
| 17 | Federal Funds                         | 2,908,095   | (129,952)   | 2,778,143   |
| 18 | Total - Family Court                  | 23,603,777  | (32,446)    | 23,571,331  |
| 19 | <i>District Court</i>                 |             |             |             |
| 20 | General Revenues                      | 13,165,035  | (23,993)    | 13,141,042  |
| 21 | Federal Funds                         | 289,829     | (145,439)   | 144,390     |
| 22 | Restricted Receipts                   | 60,000      | 0           | 60,000      |
| 23 | Total - District Court                | 13,514,864  | (169,432)   | 13,345,432  |
| 24 | <i>Traffic Tribunal</i>               |             |             |             |
| 25 | General Revenues                      | 9,468,420   | (711,270)   | 8,757,150   |
| 26 | <i>Workers' Compensation Court</i>    |             |             |             |
| 27 | Restricted Receipts                   | 8,118,883   | (41,501)    | 8,077,382   |
| 28 | Grand Total – Judiciary               | 122,006,254 | (2,385,137) | 119,621,117 |
| 29 | <b>Military Staff</b>                 |             |             |             |
| 30 | General Revenues                      | 2,634,057   | 343,626     | 2,977,683   |
| 31 | Federal Funds                         | 27,746,960  | (1,496,989) | 26,249,971  |
| 32 | Restricted Receipts                   |             |             |             |
| 33 | RI Military Family Relief Fund        | 100,000     | (50,000)    | 50,000      |
| 34 | Other Funds                           |             |             |             |

|    |  |            |             |            |
|----|--|------------|-------------|------------|
| 1  | Rhode Island Capital Plan Funds          |            |             |            |
| 2  | Armory of Mounted Command Roof           |            |             |            |
| 3  | Replacement                              | 949,775    | (922,500)   | 27,275     |
| 4  | Asset Protection                         | 700,000    | 0           | 700,000    |
| 5  | Benefit Street Arsenal Rehabilitation    | 0          | 12,613      | 12,613     |
| 6  | Burrillville Regional Training Institute | 22,150     | (22,150)    | 0          |
| 7  | Bristol Readiness Center                 | 125,000    | (125,000)   | 0          |
| 8  | Joint Force Headquarters Building        | 5,900,000  | (4,137,936) | 1,762,064  |
| 9  | Middletown Armory Land Transfer          | 0          | 700,000     | 700,000    |
| 10 | Grand Total – Military Staff             | 38,177,942 | (5,698,336) | 32,479,606 |
| 11 | <b>Public Safety</b>                     |            |             |            |
| 12 | <i>Central Management</i>                |            |             |            |
| 13 | General Revenues                         | 1,015,489  | (152,609)   | 862,880    |
| 14 | Federal Funds                            | 10,918,463 | (4,321,111) | 6,597,352  |
| 15 | Total – Central Management               | 11,933,952 | (4,473,720) | 7,460,232  |
| 16 | <i>E-911 Emergency Telephone System</i>  |            |             |            |
| 17 | General Revenues                         | 5,894,522  | (512,873)   | 5,381,649  |
| 18 | <i>State Fire Marshal</i>                |            |             |            |
| 19 | General Revenues                         | 3,669,361  | (169,279)   | 3,500,082  |
| 20 | Federal Funds                            | 277,167    | 95,678      | 372,845    |
| 21 | Restricted Receipts                      | 212,166    | 187,834     | 400,000    |
| 22 | Other Funds                              |            |             |            |
| 23 | Quonset Development Corporation          | 72,442     | (8,979)     | 63,463     |
| 24 | Rhode Island Capital Plan Funds          |            |             |            |
| 25 | Fire Training Academy                    | 0          | 524,503     | 524,503    |
| 26 | Total - State Fire Marshal               | 4,231,136  | 629,757     | 4,860,893  |
| 27 | <i>Security Services</i>                 |            |             |            |
| 28 | General Revenues                         | 23,937,443 | (253,285)   | 23,684,158 |
| 29 | <i>Municipal Police Training Academy</i> |            |             |            |
| 30 | General Revenues                         | 269,414    | 9,125       | 278,539    |
| 31 | Federal Funds                            | 239,365    | 231,220     | 470,585    |
| 32 | Total - Municipal Police Training        |            |             |            |
| 33 | Academy                                  | 508,779    | 240,345     | 749,124    |
| 34 | <i>State Police</i>                      |            |             |            |

|    |   |             |           |             |
|----|---|-------------|-----------|-------------|
| 1  | General Revenues  | 65,492,857  | 1,729,763 | 67,222,620  |
| 2  | Federal Funds   | 3,444,674   | 2,511,649 | 5,956,323   |
| 3  | Restricted Receipts   | 203,758     | 880,853   | 1,084,611   |
| 4  | Other Funds   |             |           |             |
| 5  | Lottery Commission Assistance   | 1,495,293   | (189,547) | 1,305,746   |
| 6  | Airport Commission Assistance   | 150,000     | (320)     | 149,680     |
| 7  | Road Construction Reimbursement   | 2,934,672   | (733,161) | 2,201,511   |
| 8  | Weight & Measurement Reimbursement  | 400,000     | (95,011)  | 304,989     |
| 9  | Rhode Island Capital Plan Funds   |             |           |             |
| 10 | DPS Asset Protection  | 250,000     | 476,797   | 726,797     |
| 11 | Training Academy Upgrades   | 100,000     | 427,268   | 527,268     |
| 12 | Facilities Master Plan  | 0           | 200,000   | 200,000     |
| 13 | Total - State Police  | 74,471,254  | 5,208,291 | 79,679,545  |
| 14 | Grand Total – Public Safety   | 120,977,086 | 838,515   | 121,815,601 |
| 15 | <b>Office of Public Defender</b>  |             |           |             |
| 16 | General Revenues  | 12,043,006  | (295,821) | 11,747,185  |
| 17 | Federal Funds   | 97,820      | 3,165     | 100,985     |
| 18 | Grand Total - Office of Public Defender   | 12,140,826  | (292,656) | 11,848,170  |
| 19 | <b>Emergency Management Agency</b>  |             |           |             |
| 20 | General Revenues  | 1,734,470   | 156,912   | 1,891,382   |
| 21 | Federal Funds   | 14,775,673  | 307,389   | 15,083,062  |
| 22 | Restricted Receipts   | 450,095     | (2,226)   | 447,869     |
| 23 | Other Funds   |             |           |             |
| 24 | Rhode Island Capital Plan Funds   |             |           |             |
| 25 | Emergency Management Building   | 0           | 189,750   | 189,750     |
| 26 | RI Statewide Communications Network   | 1,494,414   | 0         | 1,494,414   |
| 27 | Grand Total – Emergency   |             |           |             |
| 28 | Management Agency   | 18,454,652  | 651,825   | 19,106,477  |
| 29 | <b>Environmental Management</b>   |             |           |             |
| 30 | <i>Office of the Director</i>   |             |           |             |
| 31 | General Revenues  | 5,541,873   | 1,570,615 | 7,112,488   |
| 32 | Of this general revenue amount, \$50,000 is appropriated to the Conservation Districts. |             |           |             |
| 33 | Federal Funds   | 0           | 503       | 503         |
| 34 | Restricted Receipts   | 4,054,487   | (134,408) | 3,920,079   |

|    |  |                       |                        |                       |
|----|--|-----------------------|------------------------|-----------------------|
| 1  | Total – Office of the Director         | 9,596,360             | 1,436,710              | 11,033,070            |
| 2  | <i>Natural Resources</i>               |                       |                        |                       |
| 3  | <del>General Revenues</del>            | <del>21,088,161</del> | <del>(147,118)</del>   | <del>20,941,043</del> |
| 4  | <u>General Revenues</u>                | <u>21,088,161</u>     | <u>(27,118)</u>        | <u>21,061,043</u>     |
| 5  | Federal Funds                          | 23,024,285            | 711,645                | 23,735,930            |
| 6  | Restricted Receipts                    | 3,998,533             | 426,369                | 4,424,902             |
| 7  | Other Funds                            |                       |                        |                       |
| 8  | DOT Recreational Projects              | 1,178,375             | (107)                  | 1,178,268             |
| 9  | Blackstone Bikepath Design             | 2,059,579             | (107)                  | 2,059,472             |
| 10 | Transportation MOU                     | 78,350                | (120)                  | 78,230                |
| 11 | Rhode Island Capital Plan Funds        |                       |                        |                       |
| 12 | Dam Repair                             | 2,245,805             | (1,995,805)            | 250,000               |
| 13 | Fort Adams Rehabilitation              | 300,000               | 0                      | 300,000               |
| 14 | Fort Adams Sailing Improvements        | 1,750,000             | 69,851                 | 1,819,851             |
| 15 | Recreational Facilities Improvements   | 2,450,000             | (206,775)              | 2,243,225             |
| 16 | Galilee Piers Upgrade                  | 1,250,000             | (971,233)              | 278,767               |
| 17 | Newport Piers                          | 137,500               | 72,662                 | 210,162               |
| 18 | Fish & Wildlife Maintenance Facilities | 150,000               | (150,000)              | 0                     |
| 19 | Blackstone Valley Park                 |                       |                        |                       |
| 20 | Improvements                           | 359,170               | (109,170)              | 250,000               |
| 21 | Natural Resources Offices/Visitor's    |                       |                        |                       |
| 22 | Center                                 | 1,000,000             | (900,000)              | 100,000               |
| 23 | Rocky Point Acquisition/Renovations    | 150,000               | 87,768                 | 237,768               |
| 24 | Marine Infrastructure/Pier Development | 500,000               | (150,000)              | 350,000               |
| 25 | State Recreation Building Demolition   | 100,000               | 0                      | 100,000               |
| 26 | World War II Facility                  | 0                     | 50,681                 | 50,681                |
| 27 | <del>Total Natural Resources</del>     | <del>61,819,758</del> | <del>(3,211,459)</del> | <del>58,608,299</del> |
| 28 | <u>Total - Natural Resources</u>       | <u>61,819,758</u>     | <u>(3,091,459)</u>     | <u>58,728,299</u>     |
| 29 | <i>Environmental Protection</i>        |                       |                        |                       |
| 30 | General Revenues                       | 12,674,150            | (500,930)              | 12,173,220            |
| 31 | Federal Funds                          | 10,375,027            | 375,711                | 10,750,738            |
| 32 | Restricted Receipts                    | 9,321,063             | (11,826)               | 9,309,237             |
| 33 | Other Funds                            |                       |                        |                       |
| 34 | Transportation MOU                     | 164,734               | (134)                  | 164,600               |

|    |   |                        |                        |                        |
|----|---|------------------------|------------------------|------------------------|
| 1  | Total - Environmental Protection                                | 32,534,974             | (137,179)              | 32,397,795             |
| 2  | <del>Grand Total - Environmental Management</del>               | <del>103,951,092</del> | <del>(1,911,928)</del> | <del>102,039,164</del> |
| 3  | <u>Grand Total - Environmental Management</u>                   | <u>103,951,092</u>     | <u>(1,791,928)</u>     | <u>102,159,164</u>     |
| 4  | <b>Coastal Resources Management Council</b>                     |                        |                        |                        |
| 5  | General Revenues  | 2,487,578              | (16,620)               | 2,470,958              |
| 6  | Federal Funds   | 1,649,291              | 2,564,530              | 4,213,821              |
| 7  | Restricted Receipts   | 250,000                | 0                      | 250,000                |
| 8  | Other Funds   |                        |                        |                        |
| 9  | Rhode Island Capital Plan Funds                                 |                        |                        |                        |
| 10 | Rhode Island Coastal Storm Risk Study                           | 150,000                | (150,000)              | 0                      |
| 11 | Narragansett Bay SAMP   | 250,000                | (250,000)              | 0                      |
| 12 | Green Pond Dredging Study                                       | 50,000                 | 0                      | 50,000                 |
| 13 | Grand Total - Coastal Resources Mgmt. Council                   | 4,836,869              | 2,147,910              | 6,984,779              |
| 14 | <b>Transportation</b>   |                        |                        |                        |
| 15 | <i>Central Management</i>                                       |                        |                        |                        |
| 16 | Federal Funds   | 6,756,379              | 1,305,324              | 8,061,703              |
| 17 | Other Funds   |                        |                        |                        |
| 18 | Gasoline Tax  | 4,799,653              | 664                    | 4,800,317              |
| 19 | Total – Central Management                                      | 11,556,032             | 1,305,988              | 12,862,020             |
| 20 | <i>Management and Budget</i>                                    |                        |                        |                        |
| 21 | Other Funds   |                        |                        |                        |
| 22 | Gasoline Tax  | 2,942,455              | 2,694,892              | 5,637,347              |
| 23 | <i>Infrastructure Engineering – GARVEE/Motor Fuel Tax Bonds</i> |                        |                        |                        |
| 24 | Federal Funds   |                        |                        |                        |
| 25 | Federal Funds   | 274,247,090            | (3,904,392)            | 270,342,698            |
| 26 | Federal Funds – Stimulus  | 4,386,593              | 621,134                | 5,007,727              |
| 27 | Restricted Receipts   | 3,168,128              | (82,050)               | 3,086,078              |
| 28 | Other Funds   |                        |                        |                        |
| 29 | Gasoline Tax  | 76,170,795             | (510,712)              | 75,660,083             |
| 30 | Land Sale Revenue   | 2,673,125              | (41,997)               | 2,631,128              |
| 31 | Toll Revenue  | 0                      | 4,000,000              | 4,000,000              |
| 32 | Rhode Island Capital Plan Funds                                 |                        |                        |                        |
| 33 | RIPTA Land and Buildings  | 90,000                 | 0                      | 90,000                 |
| 34 | T.F. Green Airport Improvements                                 | 2,000,000              | (700,000)              | 1,300,000              |

|    |                                       |                          |                        |                          |
|----|---------------------------------------|--------------------------|------------------------|--------------------------|
| 1  | RIPTA Pawtucket Bus Hub               | 313,018                  | 0                      | 313,018                  |
| 2  | RIPTA Providence Transit Connector    | 470,588                  | 0                      | 470,588                  |
| 3  | Highway Improvement Program           | 35,851,346               | 7,054,211              | 42,905,557               |
| 4  | Total – Infrastructure Engineering    | 399,370,683              | 6,436,194              | 405,806,877              |
| 5  | <i>Infrastructure Maintenance</i>     |                          |                        |                          |
| 6  | Other Funds                           |                          |                        |                          |
| 7  | Gasoline Tax                          | 20,612,520               | (4,252,933)            | 16,359,587               |
| 8  | Non-Land Surplus Property             | 50,000                   | 0                      | 50,000                   |
| 9  | Outdoor Advertising                   | 100,000                  | 0                      | 100,000                  |
| 10 | Rhode Island Highway Maintenance      |                          |                        |                          |
| 11 | Account                               | 74,433,382               | 67,537,472             | 141,970,854              |
| 12 | Rhode Island Capital Plan Funds       |                          |                        |                          |
| 13 | Maintenance Facilities Improvements   | 400,000                  | 123,989                | 523,989                  |
| 14 | Salt Storage Facilities               | 1,750,000                | 0                      | 1,750,000                |
| 15 | Maintenance-Capital Equip.            |                          |                        |                          |
| 16 | Replacement                           | 2,500,000                | 156,324                | 2,656,324                |
| 17 | Train Station Maintenance and Repairs | 350,000                  | 0                      | 350,000                  |
| 18 | Total – Infrastructure Maintenance    | 100,195,902              | 63,564,852             | 163,760,754              |
| 19 | Grand Total – Transportation          | 514,065,072              | 74,001,926             | 588,066,998              |
| 20 | Statewide Totals                      |                          |                        |                          |
| 21 | <del>General Revenue</del>            | <del>3,767,715,656</del> | <del>63,405,064</del>  | <del>3,831,120,720</del> |
| 22 | <u>General Revenue</u>                | <u>3,767,715,656</u>     | <u>64,318,126</u>      | <u>3,832,033,782</u>     |
| 23 | <del>Federal Funds</del>              | <del>3,134,144,774</del> | <del>97,624,483</del>  | <del>3,231,769,257</del> |
| 24 | <u>Federal Funds</u>                  | <u>3,134,144,774</u>     | <u>97,196,963</u>      | <u>3,231,341,737</u>     |
| 25 | <del>Restricted Receipts</del>        | <del>261,725,805</del>   | <del>16,260,047</del>  | <del>277,985,852</del>   |
| 26 | <u>Restricted Receipts</u>            | <u>261,725,805</u>       | <u>15,894,505</u>      | <u>277,620,310</u>       |
| 27 | <del>Other Funds</del>                | <del>2,079,248,575</del> | <del>44,202,953</del>  | <del>2,123,451,528</del> |
| 28 | <u>Other Funds</u>                    | <u>2,079,248,575</u>     | <u>44,802,953</u>      | <u>2,124,051,528</u>     |
| 29 | <del>Statewide Grand Total</del>      | <del>9,242,834,810</del> | <del>221,492,547</del> | <del>9,464,327,357</del> |
| 30 | <u>Statewide Grand Total</u>          | <u>9,242,834,810</u>     | <u>222,121,547</u>     | <u>9,465,047,357</u>     |

31

32 SECTION 2. Each line appearing in Section 1 of this Article shall constitute an appropriation.

33 SECTION 3. The general assembly authorizes the state controller to establish the internal

34 service accounts shown below, and no other, to finance and account for the operations of state

1 agencies that provide services to other agencies, institutions and other governmental units on a cost  
 2 reimbursed basis. The purpose of these accounts is to ensure that certain activities are managed in  
 3 a businesslike manner, promote efficient use of services by making agencies pay the full costs  
 4 associated with providing the services, and allocate the costs of central administrative services  
 5 across all fund types, so that federal and other non-general fund programs share in the costs of  
 6 general government support. The controller is authorized to reimburse these accounts for the cost  
 7 of work or services performed for any other department or agency subject to the following  
 8 expenditure limitations:

| 9  |  | <b>FY 2018</b> | <b>FY 2018</b> | <b>FY 2018</b> |
|----|--|----------------|----------------|----------------|
| 10 | <b>Account</b>   | <b>Enacted</b> | <b>Change</b>  | <b>Final</b>   |
| 11 | State Assessed Fringe Benefit Internal Service Fund    | 41,229,448     | 8,895,239      | 50,124,687     |
| 12 | Administration Central Utilities Internal Service Fund | 24,910,320     | (2,000,000)    | 22,910,320     |
| 13 | State Central Mail Internal Service Fund               | 6,838,505      | (252,910)      | 6,585,595      |
| 14 | State Telecommunications Internal Service Fund         | 3,244,413      | 309,509        | 3,553,922      |
| 15 | State Automotive Fleet Internal Service Fund           | 12,510,602     | (198,418)      | 12,312,184     |
| 16 | Surplus Property Internal Service Fund                 | 3,000          | 0              | 3,000          |
| 17 | Health Insurance Internal Service Fund                 | 251,804,700    | 325,267        | 252,129,967    |
| 18 | State Fleet Revolving Loan Fund                        | 273,786        | 0              | 273,786        |
| 19 | Other Post-Employment Benefits Fund                    | 63,852,483     | 0              | 63,852,483     |
| 20 | Capital Police Internal Service Fund                   | 1,306,128      | (115,979)      | 1,190,149      |
| 21 | Corrections Central Distribution Center Internal       |                |                |                |
| 22 | Service Fund   | 6,784,478      | 333,580        | 7,118,058      |
| 23 | Correctional Industries Internal Service Fund          | 7,581,704      | 428,666        | 8,010,370      |
| 24 | Secretary of State Record Center Internal Service Fund | 807,345        | 133,146        | 940,491        |
| 25 | Human Resources Internal Service Fund                  | 0              | 12,012,230     | 12,012,230     |
| 26 | DCAMM Facilities Internal Service Fund                 | 0              | 37,286,593     | 37,286,593     |
| 27 | Information Technology Internal Service Fund           | 0              | 32,179,344     | 32,179,344     |

28 SECTION 4. Departments and agencies listed below may not exceed the number of full-time  
 29 equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do not  
 30 include seasonal or intermittent positions whose scheduled period of employment does not exceed  
 31 twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and twenty-  
 32 five (925) hours, excluding overtime, in a one-year period. Nor do they include individuals engaged  
 33 in training, the completion of which is a prerequisite of employment. Provided, however, that the  
 34 Governor or designee, Speaker of the House of Representatives or designee, and the President of

1 the Senate or designee may authorize an adjustment to any limitation. Prior to the authorization,  
 2 the State Budget Officer shall make a detailed written recommendation to the Governor, the  
 3 Speaker of the House, and the President of the Senate. A copy of the recommendation and  
 4 authorization to adjust shall be transmitted to the chairman of the House Finance Committee, Senate  
 5 Finance Committee, the House Fiscal Advisor and the Senate Fiscal Advisor.

6 State employees whose funding is from non-state general revenue funds that are time limited  
 7 shall receive limited term appointment with the term limited to the availability of non-state general  
 8 revenue funding source.

9 FY 2018 FTE POSITION AUTHORIZATION

| 10 <u>Departments and Agencies</u>                              | <u>Full-Time Equivalent</u>   |
|---|-------------------------------|
| 11 Administration   | <del>696.7</del> <u>697.7</u> |
| 12 Business Regulation  | <del>101.0</del> <u>106.0</u> |
| 13 Executive Office of Commerce                                 | 17.0                          |
| 14 Labor and Training   | 428.7                         |
| 15 Revenue  | <del>533.5</del> <u>529.5</u> |
| 16 Legislature  | 298.5                         |
| 17 Office of the Lieutenant Governor                            | 8.0                           |
| 18 Office of the Secretary of State                             | 59.0                          |
| 19 Office of the General Treasurer                              | 89.0                          |
| 20 Board of Elections   | 12.0                          |
| 21 Rhode Island Ethics Commission                               | 12.0                          |
| 22 Office of the Governor                                       | 45.0                          |
| 23 Commission for Human Rights                                  | 14.5                          |
| 24 Public Utilities Commission                                  | 51.0                          |
| 25 Office of Health and Human Services                          | 285.0                         |
| 26 Children, Youth, and Families                                | 616.5                         |
| 27 Health   | <del>493.6</del> <u>506.6</u> |
| 28 Human Services   | 981.1                         |
| 29 Behavioral Health, Developmental Disabilities, and Hospitals | 1,319.4                       |
| 30 Office of the Child Advocate                                 | 8.0                           |
| 31 Commission on the Deaf and Hard of Hearing                   | 4.0                           |
| 32 Governor's Commission on Disabilities                        | 4.0                           |
| 33 Office of the Mental Health Advocate                         | 4.0                           |
| 34 Elementary and Secondary Education                           | 139.1                         |

|    |   |                                     |
|----|---|-------------------------------------|
| 1  | School for the Deaf   | 60.0                                |
| 2  | Davies Career and Technical School  | 126.0                               |
| 3  | Office of the Postsecondary Commissioner  | <del>37.0</del> <u>38.0</u>         |
| 4  | Provided that 1.0 of the total authorization would be available only for positions that are   |                                     |
| 5  | supported by third-party funds.   |                                     |
| 6  | University of Rhode Island  | 2,489.5                             |
| 7  | Provided that 573.8 of the total authorization would be available only for positions that are |                                     |
| 8  | supported by third-party funds.   |                                     |
| 9  | Rhode Island College  | 926.2                               |
| 10 | Provided that 76.0 of the total authorization would be available only for positions that are  |                                     |
| 11 | supported by third-party funds.   |                                     |
| 12 | Community College of Rhode Island   | 854.1                               |
| 13 | Provided that 89.0 of the total authorization would be available only for positions that are  |                                     |
| 14 | supported by third-party funds.   |                                     |
| 15 | Rhode Island State Council on the Arts  | 8.6                                 |
| 16 | RI Atomic Energy Commission   | 8.6                                 |
| 17 | Historical Preservation and Heritage Commission   | 15.6                                |
| 18 | Office of the Attorney General  | 235.1                               |
| 19 | Corrections   | <del>1,423.0</del> <u>1,435.0</u>   |
| 20 | Judicial  | 723.3                               |
| 21 | Military Staff  | 92.0                                |
| 22 | Public Safety   | <del>611.6</del> <u>610.6</u>       |
| 23 | Office of the Public Defender   | 93.0                                |
| 24 | Emergency Management Agency   | 32.0                                |
| 25 | Environmental Management  | 400.0                               |
| 26 | Coastal Resources Management Council  | 29.0                                |
| 27 | Transportation  | 775.0                               |
| 28 | <b>Total</b>  | <del>15,160.2</del> <u>15,187.2</u> |

29           SECTION 5. Notwithstanding any general laws to the contrary, the Department of  
30 Business Regulation shall transfer to the State Controller the sum of seven hundred fifty thousand  
31 dollars (\$750,000) from the Insurance Companies Assessment for Actuary Costs restricted receipts  
32 account by June 30, 2018.

33           SECTION 6. Notwithstanding any general laws to the contrary, the Department of  
34 Business Regulation shall transfer to the State Controller the sum of eight hundred thousand dollars

1 (\$800,000) from the Commercial Licensing, Racing and Athletics Reimbursement restricted  
2 receipts account by June 30, 2018.

3 SECTION 7. Notwithstanding any provisions of Chapter 15.1 in Title 46 of the Rhode  
4 Island General Laws or other laws to the contrary, the Department of Administration shall transfer  
5 to the State Controller the sum of one million fifty thousand three hundred thirty nine dollars  
6 (\$1,050,339) from the Water Resources Board Corporate escrow account by June 30, 2018.

7 SECTION 8. This article shall take effect upon passage.

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**ARTICLE 11 AS AMENDED**

RELATING TO WORKFORCE DEVELOPMENT

SECTION 1. Section 28-42-84 of the General Laws in Chapter 28-42 entitled "Employment Security - General Provisions" is hereby amended to read as follows:

**28-42-84. Job development fund -- Disbursements -- Unexpended balance.**

(a) The moneys in the job development fund shall be used for the following purposes:

(1) To reimburse the department of labor and training for the loss of any federal funds resulting from the collection and maintenance of the fund by the department;

(2) To make refunds of contributions erroneously collected and deposited in the fund;

(3) To pay any administrative expenses incurred by the department of labor and training associated with the collection of the contributions for employers paid pursuant to § 28-43-8.5, and any other administrative expenses associated with the maintenance of the fund, including the payment of all premiums upon bonds required pursuant to § 28-42-85;

(4) To provide for job training, counseling and assessment services, and other related activities and services. Services will include, but are not limited to, research, development, coordination, and training activities to promote workforce development and business development as established by the governor's workforce board Rhode Island (workforce board);

(5) To support the state's job training for economic development;

(6) Beginning January 1, 2001, two hundredths of one percent (0.02%) out of the job development assessment paid pursuant to § 28-43-8.5 shall be used to support necessary, core services in the unemployment insurance and employment services programs operated by the department of labor and training; **and**

(7) Beginning January 1, 2011, and ending in tax year 2014, three tenths of one percent (0.3%) out of the fifty-one hundredths of one percent (0.51%) job development assessment paid pursuant to § 28-43-8.5 shall be deposited into a restricted receipt account to be used solely to pay the principal and/or interest due on Title XII advances received from the federal government in accordance with the provisions of Section 1201 of the Social Security Act [42 U.S.C. § 1321]; provided, however, that if the federal Title XII loans are repaid through a state revenue bond or other financing mechanism, then these funds may also be used to pay the principal and/or interest that accrues on that debt. Any remaining funds in the restricted receipt account, after the

1 outstanding principal and interest due has been paid, shall be transferred to the employment security  
2 fund for the payment of benefits; and

3 (8) Beginning January 1, 2019 and ending December 31, 2019, the amount of the job  
4 development assessment paid pursuant to § 28-43.8-5 above nineteen hundredths of one percent  
5 (0.19%) shall be used to support necessary, core services in the unemployment insurance and  
6 employment services programs operated by the department of labor and training.

7 (b) The general treasurer shall pay all vouchers duly drawn by the workforce board upon  
8 the fund, in any amounts and in any manner that the workforce board may prescribe. Vouchers so  
9 drawn upon the fund shall be referred to the controller within the department of administration.  
10 Upon receipt of those vouchers, the controller shall immediately record and sign them and shall  
11 promptly transfer those signed vouchers to the general treasurer. Those expenditures shall be used  
12 solely for the purposes specified in this section and its balance shall not lapse at any time but shall  
13 remain continuously available for expenditures consistent with this section. The general assembly  
14 shall annually appropriate the funds contained in the fund for the use of the workforce board and,  
15 in addition, for the use of the department of labor and training effective July 1, 2000, and for the  
16 payment of the principal and interest due on federal Title XII loans beginning July 1, 2011;  
17 provided, however, that if the federal Title XII loans are repaid through a state revenue bond or  
18 other financing mechanism, then the funds may also be used to pay the principal and/or interest  
19 that accrues on that debt.

20 SECTION 2. Sections 28-43-1 and 28-43-8.5 of the General Laws in Chapter 28-43 entitled  
21 "Employment Security - Contributions" are hereby amended to read as follows:

22 **28-43-1. Definitions.**

23 The following words and phrases as used in this chapter have the following meanings,  
24 unless the context clearly requires otherwise:

25 (1) "Balancing account" means a book account to be established within the employment  
26 security fund, the initial balance of which shall be established by the director as of September 30,  
27 1979, by transferring the balance of the solvency account on that date to the balancing account.

28 (2) "Computation date" means September 30 of each year.

29 (3) "Eligible employer" means an employer who has had three (3) consecutive experience  
30 years during each of which contributions have been credited to his account and benefits have been  
31 chargeable to this account.

32 (4) "Employer's account" means a separate account to be established within the  
33 employment security fund by the director as of September 30, 1958, for each employer subject to  
34 chapters 42 -- 44 of this title, out of the money remaining in that fund after the solvency account

1 has been established in the fund, by crediting to each employer an initial credit balance bearing the  
2 same relation to the total fund balance so distributed, as his or her tax contributions to the fund  
3 during the period beginning October 1, 1955, and ending on September 30, 1958, have to aggregate  
4 tax contributions paid by all employers during the same period; provided, that nothing contained in  
5 this section shall be construed to grant to any employer prior claim or rights to the amount  
6 contributed by him or her to the fund.

7 (5) "Experience rate" means the contribution rate assigned to an employer's account under  
8 whichever is applicable of schedules A -- I in § 28-43-8.

9 (6) "Experience year" means the period of twelve (12), consecutive calendar months ending  
10 September 30 of each year.

11 (7) "Most recent employer" means the last base-period employer from whom an individual  
12 was separated from employment and for whom the individual worked for at least four (4) weeks,  
13 and in each of those four (4) weeks had earnings of at least twenty (20) times the minimum hourly  
14 wage as defined in chapter 12 of this title.

15 (8) "Reserve percentage" means, in relation to an employer's account, the net balance of  
16 that account on a computation date, including any voluntary contributions made in accordance with  
17 § 28-43-5.1, stated as a percentage of the employer's twelve-month (12) average taxable payroll for  
18 the last thirty-six (36) months ended on the immediately preceding June 30.

19 (9) "Reserve ratio of fund" means the ratio which the total amount available for the  
20 payment of benefits in the employment security fund on September 30, 1979, or any computation  
21 date thereafter, minus any outstanding federal loan balance, plus an amount equal to funds  
22 transferred to the job development fund through the job development assessment adjustment for  
23 the prior calendar year, bears to the aggregate of all total payrolls subject to this chapter paid during  
24 the twelve-month (12) period ending on the immediately preceding June 30, or the twelve-month  
25 (12) average of all total payrolls during the thirty-six-month (36) period ending on that June 30,  
26 whichever percentage figure is smaller.

27 (10) "Taxable payroll" means, for the purpose of this chapter, the total of all wages as  
28 defined in § 28-42-3(29).

29 (11) "Tax year" means the calendar year.

30 (12) "Total payroll" means, for the purpose of this chapter, the total of all wages paid by  
31 all employers who are required to pay contributions under the provisions of chapters 42 -- 44 of  
32 this title.

33 (13) "Unadjusted reserve ratio of fund" means the ratio which the total amount available  
34 for the payment of benefits in the employment security fund on September 30, 1979, or any

1 computation date thereafter, minus any outstanding federal loan balance, bears to the aggregate of  
2 all total payrolls subject to this chapter paid during the twelve-month (12) period ending on the  
3 immediately preceding June 30, or the twelve-month (12) average of all total payrolls during the  
4 thirty-six-month (36) period ending on that June 30, whichever percentage figure is smaller.

5 ~~(13)~~(14) "Voluntary contribution" means a contribution paid by an employer to his or her  
6 account in accordance with § 28-43-5.1 to reduce the employer's experience rate for the ensuing  
7 tax year.

8 **28-43-8.5. Job development assessment.**

9 (a) For the tax years 2011 through 2014, each employer subject to this chapter shall be  
10 required to pay a job development assessment of fifty-one hundredths of one percent (0.51%) of  
11 that employer's taxable payroll, in addition to any other payment which that employer is required  
12 to make under any other provision of this chapter; provided, that the assessment shall not be  
13 considered as part of the individual employer's contribution rate for the purpose of determining the  
14 individual employer's balancing charge pursuant to § 28-43-9; provided, further, upon full  
15 repayment of any outstanding principal and/or interest due on Title XII advances received from the  
16 federal government in accordance with the provisions of section 1201 of the Social Security Act  
17 [42 U.S.C. § 1321], including any principal and/or interest that accrues on debt from a state revenue  
18 bond or other financing mechanism used to repay the Title XII advances, then the job development  
19 assessment shall be reduced to twenty-one hundredths of one percent (0.21%) beginning the tax  
20 quarter after the full repayment occurs. The tax rate for all employers subject to the contribution  
21 provisions of chapters 42 -- 44 of this title shall be reduced by twenty-one hundredths of one percent  
22 (0.21%). For tax year 2015 and subsequent years, except tax year 2019, each employer subject to  
23 this chapter shall be required to pay a job development assessment of twenty-one hundredths of  
24 one percent (0.21%) of that employer's taxable payroll, in addition to any other payment which that  
25 employer is required to make under any other provision of this chapter; provided, that the  
26 assessment shall not be considered as part of the individual employer's contribution rate for the  
27 purpose of determining the individual employer's balancing charge pursuant to § 28-43-9. The tax  
28 rate for all employers subject to contribution provisions of chapters 42 -- 44 of this title shall be  
29 reduced by twenty-one hundredths of one percent (0.21%). For tax year 2019, each employer  
30 subject to this chapter shall be required to pay a base job development assessment of twenty-one  
31 hundredths of one percent (0.21%) of that employer's taxable payroll, plus a job development  
32 assessment adjustment as computed pursuant to subsection (b) of this section, in addition to any  
33 other payment which that employer is required to make under any other provision of this chapter;  
34 provided, that:

1 (1) the assessment shall not be considered as part of the individual employer's contribution  
2 rate for the purpose of determining the individual employer's balancing charge pursuant to § 28-  
3 43-9; and

4 (2) A job development adjustment shall be computed only if tax schedule A through H is  
5 scheduled to be in effect for the ensuing calendar year; and

6 (3) The employment security fund earned interest in the prior calendar year.

7 (b) On September 30, 2018, the job development assessment adjustment shall be computed  
8 to determine the job development assessment that will be in effect during the ensuing calendar year.  
9 The adjustment shall be computed by dividing the interest earned by the employment security fund  
10 in the prior calendar year by one hundred ten percent (110%) of the taxable wages in the prior  
11 calendar year. The result shall be rounded down to the nearest one hundredth of a percent (0.01%).

12 (1) In no event may the revenues made available to the job development fund by the job  
13 development assessment adjustment exceed seventy-five percent (75%) of the interest earned by  
14 the employment security fund in the prior calendar year. All revenues collected after seventy-five  
15 percent (75%) of the employment security fund's prior year interest has been deposited into the job  
16 development fund shall be deposited into the employment security fund forthwith.

17 (c) The tax rate for all employers subject to contribution provisions of chapter 42 through  
18 44 of this title shall be reduced by the total combined job development assessment and adjustment  
19 as determined under subsection (b) of this section.

20 (d) In no event may the job development assessment adjustment negatively impact  
21 contributing employers by either preventing the tax schedule to be in effect for the ensuing calendar  
22 year from dropping from a higher schedule or causing the tax schedule to be in effect for the ensuing  
23 calendar year to be raised to a higher schedule.

24 (1) If the tax schedule, as determined by the reserve ratio of the employment security fund  
25 on September 30, 2018, would be different than the tax schedule determined if the unadjusted  
26 reserve ratio of the fund were used to determine the tax schedule for the ensuing calendar year, the  
27 department shall do one of the following to ensure that tax schedule to be in effect for the ensuing  
28 calendar year is unaffected by the job development assessment adjustment:

29 (i) Make any necessary transfers from available job development fund resources to the  
30 employment security trust fund to establish a reserve ratio that would represent the ratio that would  
31 have been in effect should the job development assessment adjustment not have been performed in  
32 the prior year; or

33 (ii) Perform no job development assessment adjustment in the ensuing calendar year.

34 SECTION 3. Chapter 42-64.6 of the General Laws entitled "Jobs Training Tax Credit Act"

1 is hereby amended by adding thereto the following section:

2 **42-64.6-9. Sunset.**

3 No credits authorized under this chapter shall be awarded for tax years beginning on or  
4 after January 1, 2018.

5 SECTION 4. Section 42-102-11 of the General Laws in Chapter 42-102 entitled  
6 “Governor’s Workforce Board Rhode Island” is hereby amended to read as follows:

7 **42-102-11. State Work Immersion Program.**

8 (a)(1) The workforce board (“board”) shall develop a state work immersion program and a  
9 non-trade, apprenticeship program. For the purposes of this section work immersion shall mean a  
10 temporary, paid, work experience that provides a meaningful learning opportunity and increases  
11 the employability of the participant. The programs shall be designed in order to provide ~~post-~~  
12 ~~secondary school students, recent college graduates, and unemployed adults~~ Rhode Island residents  
13 and/or students attending secondary schools, post-secondary schools or training programs with a  
14 meaningful work experience, and to assist employers by training individuals for potential  
15 employment.

16 (2) Funding for the work immersion program will be allocated from the job development  
17 fund account and/or from funds appropriated in the annual appropriations act. Appropriated funds  
18 will match investments made by employers in providing meaningful work immersion positions and  
19 non-trade apprenticeships.

20 (b) ~~For each participant in the work immersion program, the program shall reimburse~~  
21 ~~eligible employers up to fifty percent (50%) of the cost of not more than four hundred (400)~~  
22 ~~hours of work experience and during a period of ten (10) weeks. If an eligible employer hires a~~  
23 ~~program participant at the completion of such a program, the state may provide reimbursement for~~  
24 ~~a total of seventy five percent (75%) of the cost of the work immersion position. Employers~~  
25 participating in the work immersion program may be eligible to receive a reimbursement of up to  
26 seventy-five percent (75%) of the approved program participant’s wages paid during their work  
27 experience.

28 (c) The board shall create a non-trade apprenticeship program and annually award funding  
29 on a competitive basis to at least one (1) new initiative ~~proposed and operated by the Governor's~~  
30 ~~Workforce Board Industry Partnerships~~. This program shall meet the standards of apprenticeship  
31 programs defined pursuant to § 28-45-9 of the general laws. The board shall present the program  
32 to the state apprenticeship council, established pursuant to chapter 28-45 of the general laws, for  
33 review and consideration.

34 (d) An eligible participant in programs established in subsections (b) and (c) ~~must be at~~

1 ~~least eighteen (18) years of age and~~ must be a Rhode Island resident. Provided, however, any non-  
2 Rhode Island resident, who is enrolled in a college or university, located in Rhode Island, is eligible  
3 to participate while enrolled at the college or university.

4 (e) In order to fully implement the provisions of this section, the board is authorized to  
5 promulgate rules and regulations. The rules and regulations shall define eligible employers that can  
6 participate in the programs created by this section.

7 SECTION 5. This Article shall take effect upon passage.

8

**ARTICLE 12 AS AMENDED**

RELATING TO ECONOMIC DEVELOPMENT

SECTION 1. Section 42-64-36 of the General Laws in Chapter 42-64 entitled "Rhode Island Commerce Corporation" is hereby amended to read as follows:

**42-64-36. Program accountability.**

(a) The board of the Rhode Island commerce corporation shall be responsible for establishing accountability standards, reporting standards and outcome measurements for each of its programs to include, but not be limited to, the use of tax credits, loans, loan guarantees and other financial transactions managed or utilized by the corporation. Included in the standards shall be a set of principles and guidelines to be followed by the board to include:

(1) A set of outcomes against which the board will measure each program's and offering's effectiveness;

(2) A set of standards for risk analysis for all of the programs especially the loans and loan guarantee programs; and

(3) A process for reporting out all loans, loan guarantees and any other financial commitments made through the corporation that includes the purpose of the loan, financial data as to payment history and other related information.

(b) The board shall annually prepare a report starting in January 2015 which shall be submitted to the house and senate. The report shall summarize the above listed information on each of its programs and offerings and contain recommendations for modification, elimination or continuation.

(c) The commerce corporation shall prepare a report beginning January 1, 2019 which shall be submitted to the house and senate within a period of thirty (30) days of the close of each quarter. The report shall summarize the information listed in subsection (a) of this section on each of its programs and offerings, including any modifications, adjustments, clawbacks, reallocations, alterations or other changes, made from the close of the prior fiscal quarter and include comparison data to the reports submitted pursuant to §§ 42-64.20-9(b), 42-64.21-8(a) and (8)(c), 42-64.22-14(a), 42-64.23-5(d), 42-64.24-5(d), 42-64.25-12, 42-64.26-6, 42-64.27-4, 42-64.28-9, 42-64.29-7(a), 42-64.31-3, 44-48.3-13(b) and (13)(c), chapters 64.20, 64.21, 64.22, 64.23, 64.24, 64.25, 64.26, 64.27, 64.28, 64.29, 64.30, 64.31, 64.32 of title 42 and § 44-48.3-13.

1           (d) The board shall coordinate its efforts with the office of revenue [analysis](#) to not duplicate  
2 information on the use of tax credits and other tax expenditures.

3           SECTION 2. Section 42-64.20-10 of the General Laws in Chapter 42-64.20 entitled  
4 "Rebuild Rhode Island Tax Credit" is hereby amended to read as follows:

5           **42-64.20-10. Sunset.**

6           No credits shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~  
7 ~~2018~~ [June 30, 2020](#).

8           SECTION 3. Section 42-64.21-9 of the General Laws in Chapter 42-64.21 entitled "Rhode  
9 Island Tax Increment Financing" is hereby amended to read as follows:

10          **42-64.21-9. Sunset.**

11          The commerce corporation shall enter into no agreement under this chapter after ~~December~~  
12 ~~31, 2018~~ [June 30, 2020](#).

13          SECTION 4. Section 42-64.22-15 of the General Laws in Chapter 42-64.22 entitled "Tax  
14 Stabilization Incentive" is hereby amended to read as follows:

15          **42-64.22-15. Sunset.**

16          The commerce corporation shall enter into no agreement under this chapter after ~~December~~  
17 ~~31, 2018~~ [June 30, 2020](#).

18          SECTION 5. Section 42-64.23-8 of the General Laws in Chapter 42-64.23 entitled "First  
19 Wave Closing Fund" is hereby amended to read as follows:

20          **42-64.23-8. Sunset.**

21          No financing shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~  
22 ~~2018~~ [June 30, 2020](#).

23          SECTION 6. Section 42-64.24-8 of the General Laws in Chapter 42-64.24 entitled "I-195  
24 Redevelopment Project Fund" is hereby amended to read as follows:

25          **42-64.24-8. Sunset.**

26          No funding, credits, or incentives shall be authorized or authorized to be reserved pursuant  
27 to this chapter after ~~December 31, 2018~~ [June 30, 2020](#).

28          SECTION 7. Section 42-64.25-14 of the General Laws in Chapter 42-64.25 entitled "Small  
29 Business Assistance Program" is hereby amended to read as follows:

30          **42-64.25-14. Sunset.**

31          No grants, funding, or incentives shall be authorized pursuant to this chapter after  
32 ~~December 31, 2018~~ [June 30, 2020](#).

33          SECTION 8. Section 42-64.26-12 of the General Laws in Chapter 42-64.26 entitled "Stay  
34 Invested in RI Wavemaker Fellowship" is hereby amended to read as follows:

1           **42-64.26-12. Sunset.**

2           No incentives or credits shall be authorized pursuant to this chapter after ~~December 31,~~  
3 ~~2018~~ [June 30, 2020.](#)

4           SECTION 9. Section 42-64.27-6 of the General Laws in Chapter 42-64.27 entitled "Main  
5 Street Rhode Island Streetscape Improvement Fund" is hereby amended to read as follows:

6           **42-64.27-6. Sunset.**

7           No incentives shall be authorized pursuant to this chapter after ~~December 31, 2018~~ [June](#)  
8 [30, 2020.](#)

9           SECTION 10. Section 42-64.28-10 of the General Laws in Chapter 42-64.28 entitled  
10 "Innovation Initiative" is hereby amended to read as follows:

11           **42-64.28-10. Sunset.**

12           No vouchers, grants, or incentives shall be authorized pursuant to this chapter after  
13 ~~December 31, 2018~~ [June 30, 2020.](#)

14           SECTION 11. Section 42-64.29-8 of the General Laws in Chapter 42-64.29 entitled  
15 "Industry Cluster Grants" is hereby amended to read as follows:

16           **42-64.29-8. Sunset.**

17           No grants or incentives shall be authorized to be reserved pursuant to this chapter after  
18 ~~December 31, 2018~~ [June 30, 2020.](#)

19           SECTION 12. Section 42-64.31-4 of the General Laws in Chapter 42-64.31 entitled "High  
20 School, College, and Employer Partnerships" is hereby amended to read as follows:

21           **42-64.31-4. Sunset.**

22           No grants shall be authorized pursuant to this chapter after ~~December 31, 2018~~ [June 30,](#)  
23 [2020.](#)

24           SECTION 13. Chapter 42-64.32 of the General Laws entitled "Air Service Development  
25 Fund" is hereby amended by adding thereto the following section:

26           **42-64.32-6. Sunset.**

27           [No grants, credits or incentives shall be authorized or authorized to be reserved pursuant](#)  
28 [to this chapter after June 30, 2020.](#)

29           SECTION 14. Section 44-48.3-14 of the General Laws in Chapter 44-48.3 entitled "Rhode  
30 Island New Qualified Jobs Incentive Act 2015" is hereby amended to read as follows:

31           **44-48.3-14. Sunset.**

32           No credits shall be authorized to be reserved pursuant to this chapter after ~~December 31,~~  
33 ~~2018~~ [June 30, 2020.](#)

34           SECTION 15. Section 42-64.25-6 of the General Laws in Chapter 42-64.25 entitled "Small

1 Business Assistance Program" is hereby amended to read as follows:

2 **42-64.25-6. Micro-loan allocation.**

3 Notwithstanding anything to the contrary in this chapter, [not less than](#) ten percent (10%)  
4 [and not more than twenty-five percent \(25%\)](#) of program funds will be allocated to "micro loans"  
5 with a principal amount between two thousand dollars (\$2,000) and twenty-five thousand dollars  
6 (\$25,000). Micro loans will be administered by lending organizations, which will be selected by  
7 the commerce corporation on a competitive basis and shall have experience in providing technical  
8 and financial assistance to microenterprises.

9 SECTION 16. Sections 44-31.2-2 and 44-31.2-5 of the General Laws in Chapter 44-31.2  
10 entitled "Motion Picture Production Tax Credits" are hereby amended to read as follows:

11 **44-31.2-2. Definitions.**

12 For the purposes of this chapter:

13 (1) "Accountant's certification" as provided in this chapter means a certified audit by a  
14 Rhode Island certified public accountant licensed in accordance with chapter 3.1 of title 5.

15 (2) "Application year" means within the calendar year the motion picture production  
16 company files an application for the tax credit.

17 (3) "Base investment" means the actual investment made and expended by a state-certified  
18 production in the state as production-related costs.

19 (4) "Documentary production" means a non-fiction production intended for educational or  
20 commercial distribution that may require out-of-state principal photography.

21 (5) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or a  
22 partnership, limited liability company, or other business entity formed under the laws of the state  
23 of Rhode Island for the purpose of producing motion pictures as defined in this section, or an  
24 individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of this  
25 title.

26 (6) "Final production budget" means and includes the total pre-production, production, and  
27 post-production out-of-pocket costs incurred and paid in connection with the making of the motion  
28 picture. The final production budget excludes costs associated with the promotion or marketing of  
29 the motion picture.

30 (7) "Motion picture" means a feature-length film, documentary production, video,  
31 television series, or commercial made in Rhode Island, in whole or in part, for theatrical or  
32 television viewing or as a television pilot or for educational distribution. The term "motion picture"  
33 shall not include the production of television coverage of news or athletic events, [reality television](#)  
34 [show\(s\)](#) nor shall it apply to any film, video, television series, or commercial or a production for

1 which records are required under 18 U.S.C. § 2257, to be maintained with respect to any performer  
2 in such production or reporting of books, films, etc. with respect to sexually explicit conduct.

3 (8) "Motion picture production company" means a corporation, partnership, limited  
4 liability company, or other business entity engaged in the business of producing one or more motion  
5 pictures as defined in this section. Motion picture production company shall not mean or include:

6 (a) Any company owned, affiliated, or controlled, in whole or in part, by any company or  
7 person who or that is in default:

8 (i) On taxes owed to the state; or

9 (ii) On a loan made by the state in the application year; or

10 (iii) On a loan guaranteed by the state in the application year; or

11 (b) Any company or person who or that has discharged an obligation to pay or repay public  
12 funds or monies by:

13 (i) Filing a petition under any federal or state bankruptcy or insolvency law;

14 (ii) Having a petition filed under any federal or state bankruptcy or insolvency law against  
15 such company or person;

16 (iii) Consenting to, or acquiescing or joining in, a petition named in (i) or (ii);

17 (iv) Consenting to, or acquiescing or joining in, the appointment of a custodian, receiver,  
18 trustee, or examiner for such company's or person's property; or

19 (v) Making an assignment for the benefit of creditors or admitting in writing or in any legal  
20 proceeding its insolvency or inability to pay debts as they become due.

21 (9) "Primary locations" means the locations that (1) At least fifty-one percent (51%) of the  
22 motion picture principal photography days are filmed; or (2) At least fifty-one percent (51%) of the  
23 motion picture's final production budget is spent and employs at least five (5) individuals during  
24 the production in this state; or (3) For documentary productions, the location of at least fifty-one  
25 percent (51%) of the total productions days, which shall include pre-production and post-  
26 production locations.

27 (10) "Rhode Island film and television office" means an office within the department of  
28 administration that has been established in order to promote and encourage the locating of film and  
29 television productions within the state of Rhode Island. The office is also referred to within as the  
30 "film office".

31 (11) "State-certified production" means a motion picture production approved by the  
32 Rhode Island film office and produced by a motion picture production company domiciled in  
33 Rhode Island, whether or not such company owns or controls the copyright and distribution rights  
34 in the motion picture; provided, that such company has either:

1 (a) Signed a viable distribution plan; or

2 (b) Is producing the motion picture for:

3 (i) A major motion picture distributor;

4 (ii) A major theatrical exhibitor;

5 (iii) Television network; or

6 (iv) Cable television programmer.

7 (12) "State-certified production cost" means any pre-production, production, and post-  
8 production cost that a motion picture production company incurs and pays to the extent it occurs  
9 within the state of Rhode Island. Without limiting the generality of the foregoing, "state-certified  
10 production costs" include: set construction and operation; wardrobes, make-up, accessories, and  
11 related services; costs associated with photography and sound synchronization, lighting, and related  
12 services and materials; editing and related services, including, but not limited to: film processing,  
13 transfers of film to tape or digital format, sound mixing, computer graphics services, special effects  
14 services, and animation services, salary, wages, and other compensation, including related benefits,  
15 of persons employed, either directly or indirectly, in the production of a film including writer,  
16 motion picture director, producer (provided the work is performed in the state of Rhode Island);  
17 rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs of food and  
18 lodging; music, if performed, composed, or recorded by a Rhode Island musician, or released or  
19 published by a person domiciled in Rhode Island; travel expenses incurred to bring persons  
20 employed, either directly or indirectly, in the production of the motion picture, to Rhode Island (but  
21 not expenses of such persons departing from Rhode Island); and legal (but not the expense of a  
22 completion bond or insurance and accounting fees and expenses related to the production's  
23 activities in Rhode Island); provided such services are provided by Rhode Island licensed attorneys  
24 or accountants.

25 **44-31.2-5. Motion picture production company tax credit.**

26 (a) A motion picture production company shall be allowed a credit to be computed as  
27 provided in this chapter against a tax imposed by chapters 11, 14, 17 and 30 of this title. The amount  
28 of the credit shall be ~~twenty five percent (25%)~~ thirty percent (30%) of the state certified production  
29 costs incurred directly attributable to activity within the state, provided that the primary locations  
30 are within the state of Rhode Island and the total production budget as defined herein is a minimum  
31 of one hundred thousand dollars (\$100,000). The credit shall be earned in the taxable year in which  
32 production in Rhode Island is completed, as determined by the film office in final certification  
33 pursuant to subsection 44-31.2-6(c).

34 (b) For the purposes of this section: "total production budget" means and includes the

1 motion picture production company's pre-production, production and post-production costs  
2 incurred for the production activities of the motion picture production company in Rhode Island in  
3 connection with the production of a state-certified production. The budget shall not include costs  
4 associated with the promotion or marketing of the film, video or television product.

5 (c) Notwithstanding subsection (a), the credit shall not exceed ~~five million dollars~~  
6 ~~(\$5,000,000)~~ seven million dollars (\$7,000,000) and shall be allowed against the tax for the taxable  
7 period in which the credit is earned and can be carried forward for not more than three (3)  
8 succeeding tax years. Pursuant to rules promulgated by the tax administrator, the administrator may  
9 issue a waiver of the ~~five million dollars (\$5,000,000)~~ seven million dollars (\$7,000,000) tax credit  
10 cap for any feature-length film or television series up to the remaining funds available pursuant to  
11 section (e).

12 (d) Credits allowed to a motion picture production company, which is a subchapter S  
13 corporation, partnership, or a limited liability company that is taxed as a partnership, shall be passed  
14 through respectively to persons designated as partners, members or owners on a pro rata basis or  
15 pursuant to an executed agreement among such persons designated as subchapter S corporation  
16 shareholders, partners, or members documenting an alternate distribution method without regard to  
17 their sharing of other tax or economic attributes of such entity.

18 (e) No more than fifteen million dollars (\$15,000,000) in total may be issued for any tax  
19 year beginning after December 31, 2007 for motion picture tax credits pursuant to this chapter  
20 and/or musical and theatrical production tax credits pursuant to chapter 31.3 of this title. Said  
21 credits shall be equally available to motion picture productions and musical and theatrical  
22 productions. No specific amount shall be set aside for either type of production.

23 SECTION 17. This Article shall take effect upon passage.

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**ARTICLE 13 AS AMENDED**

RELATING TO MEDICAL ASSISTANCE

SECTION 1. Sections 40-8-15 and 40-8-19 of the General Laws in Chapter 40-8 entitled “Medical Assistance” are hereby amended to read as follows:

**40-8-15. Lien on deceased recipient's estate for assistance.**

(a)(1) Upon the death of a recipient of ~~medical assistance~~ Medicaid under Title XIX of the federal Social Security Act, 42 U.S.C. § 1396 et seq., (42 U.S.C. § 1396 et seq. and referred to hereinafter as the "Act"), the total sum ~~of medical assistance for Medicaid benefits~~ so paid on behalf of a ~~recipient~~ beneficiary who was fifty-five (55) years of age or older at the time of receipt ~~of the assistance~~ shall be and constitute a lien upon the estate, as defined in subdivision (a)(2) below, of the ~~recipient~~ beneficiary in favor of the executive office of health and human services ("executive office"). The lien shall not be effective and shall not attach as against the estate of a ~~recipient~~ beneficiary who is survived by a spouse, or a child who is under the age of twenty-one (21), or a child who is blind or permanently and totally disabled as defined in Title XVI of the federal Social Security Act, 42 U.S.C. § 1381 et seq. The lien shall attach against property of a ~~recipient~~ beneficiary, which is included or includible in the decedent's probate estate, regardless of whether or not a probate proceeding has been commenced in the probate court by the executive office ~~of health and human services~~ or by any other party. Provided, however, that such lien shall only attach and shall only be effective against the ~~recipient's~~ beneficiary's real property included or includible in the ~~recipient's~~ beneficiary's probate estate if such lien is recorded in the land evidence records and is in accordance with subsection 40-8-15(f). Decedents who have received ~~medical assistance~~ Medicaid benefits are subject to the assignment and subrogation provisions of §§ 40-6-9 and 40-6-10.

(2) For purposes of this section, the term “estate” with respect to a deceased individual shall include all real and personal property and other assets included or includable within the individual's probate estate.

(b) The executive office ~~of health and human services~~ is authorized to promulgate regulations to implement the terms, intent, and purpose of this section and to require the legal representative(s) and/or the heirs-at-law of the decedent to provide reasonable written notice to the executive office ~~of health and human services~~ of the death of a ~~recipient~~ beneficiary of ~~medical~~

1 ~~assistance~~ Medicaid benefits who was fifty-five (55) years of age or older at the date of death, and  
2 to provide a statement identifying the decedent's property and the names and addresses of all  
3 persons entitled to take any share or interest of the estate as legatees or distributes thereof.

4 (c) The amount of ~~medical assistance~~ reimbursement for Medicaid benefits imposed under  
5 this section shall also become a debt to the state from the person or entity liable for the payment  
6 thereof.

7 (d) Upon payment of the amount of reimbursement for ~~medical assistance~~ Medicaid  
8 benefits imposed by this section, the secretary of the executive office ~~of health and human services~~,  
9 or his or her designee, shall issue a written discharge of lien.

10 (e) Provided, however, that no lien created under this section shall attach nor become  
11 effective upon any real property unless and until a statement of claim is recorded naming the  
12 debtor/owner of record of the property as of the date and time of recording of the statement of  
13 claim, and describing the real property by a description containing all of the following: (1) tax  
14 assessor's plat and lot; and (2) street address. The statement of claim shall be recorded in the records  
15 of land evidence in the town or city where the real property is situated. Notice of said lien shall be  
16 sent to the duly appointed executor or administrator, the decedent's legal representative, if known,  
17 or to the decedent's next of kin or heirs at law as stated in the decedent's last application for ~~medical~~  
18 ~~assistance~~ Medicaid benefits.

19 (f) The executive office ~~of health and human services~~ shall establish procedures, in  
20 accordance with the standards specified by the secretary, U.S. Department of Health and Human  
21 Services, under which the executive office ~~of health and human services~~ shall waive, in whole or  
22 in part, the lien and reimbursement established by this section if such lien and reimbursement would  
23 ~~work cause~~ an undue hardship, as determined by the executive office ~~of health and human services~~,  
24 on the basis of the criteria established by the secretary in accordance with 42 U.S.C. § 1396p(b)(3).

25 (g) Upon the filing of a petition for admission to probate of a decedent's will or for  
26 administration of a decedent's estate, when the decedent was fifty-five (55) years or older at the  
27 time of death, a copy of said petition and a copy of the death certificate shall be sent to the executive  
28 office ~~of health and human services~~. Within thirty (30) days of a request by the executive office ~~of~~  
29 ~~health and human services~~, an executor or administrator shall complete and send to the executive  
30 office ~~of health and human services~~ a form prescribed by that office and shall provide such  
31 additional information as the office may require. In the event a petitioner fails to send a copy of the  
32 petition and a copy of the death certificate to the executive office ~~of health and human services~~ and  
33 a decedent has received ~~medical assistance~~ Medicaid benefits for which the executive office of  
34 ~~health and human services~~ is authorized to recover, no distribution and/or payments, including

1 administration fees, shall be disbursed. Any person and /or entity that receive a distribution of assets  
2 from the decedent's estate shall be liable to the executive office ~~of health and human services~~ to the  
3 extent of such distribution.

4 (h) Compliance with the provisions of this section shall be consistent with the requirements  
5 set forth in § 33-11-5 and the requirements of the affidavit of notice set forth in § 33-11-5.2. Nothing  
6 in these sections shall limit the executive office ~~of health and human services~~ from recovery, to the  
7 extent of the distribution, in accordance with all state and federal laws.

8 (i) To assure the financial integrity of the Medicaid eligibility determination, benefit  
9 renewal, and estate recovery processes in this and related sections, the secretary of health and  
10 human services is authorized and directed to, by no later than August 1, 2018: (1), implement an  
11 automated asset verification system, as mandated by § 1940 of the of Act that uses electronic data  
12 sources to verify the ownership and value of countable resources held in financial institutions and  
13 any real property for applicants and beneficiaries subject to resource and asset tests pursuant in the  
14 Act in § 1902(e)(14)(D); (2) Apply the provisions required under §§ 1902(a)(18) and 1917(c) of  
15 the Act pertaining to the disposition of assets for less than fair market value by applicants and  
16 beneficiaries for Medicaid long-term services and supports and their spouses, without regard to  
17 whether they are subject to or exempted from resources and asset tests as mandated by federal  
18 guidance; and (3) Pursue any state plan or waiver amendments from the U.S. Centers for Medicare  
19 and Medicaid Services and promulgate such rules, regulations, and procedures he or she deems  
20 necessary to carry out the requirements set forth herein and ensure the state plan and Medicaid  
21 policy conform and comply with applicable provisions Title XIX.

22 **40-8-19. Rates of payment to nursing facilities.**

23 (a) Rate reform.

24 (1) The rates to be paid by the state to nursing facilities licensed pursuant to chapter 17 of  
25 title 23, and certified to participate in the Title XIX Medicaid program for services rendered to  
26 Medicaid-eligible residents, shall be reasonable and adequate to meet the costs which must be  
27 incurred by efficiently and economically operated facilities in accordance with 42 U.S.C.  
28 §1396a(a)(13). The executive office of health and human services ("executive office") shall  
29 promulgate or modify the principles of reimbursement for nursing facilities in effect as of July 1,  
30 2011 to be consistent with the provisions of this section and Title XIX, 42 U.S.C. § 1396 et seq.,  
31 of the Social Security Act.

32 (2) The executive office shall review the current methodology for providing Medicaid  
33 payments to nursing facilities, including other long-term care services providers, and is authorized  
34 to modify the principles of reimbursement to replace the current cost based methodology rates with

1 rates based on a price based methodology to be paid to all facilities with recognition of the acuity  
2 of patients and the relative Medicaid occupancy, and to include the following elements to be  
3 developed by the executive office:

- 4 (i) A direct care rate adjusted for resident acuity;
- 5 (ii) An indirect care rate comprised of a base per diem for all facilities;
- 6 (iii) A rearray of costs for all facilities every three (3) years beginning October, 2015, which  
7 may or may not result in automatic per diem revisions;
- 8 (iv) Application of a fair rental value system;
- 9 (v) Application of a pass-through system; and
- 10 (vi) Adjustment of rates by the change in a recognized national nursing home inflation  
11 index to be applied on October 1st of each year, beginning October 1, 2012. This adjustment will  
12 not occur on October 1, 2013, [October 1, 2014](#) or October 1, 2015, but will occur on April 1, 2015.  
13 The adjustment of rates will also not occur on October 1, 2017 [or October 1, 2018](#). [Effective July](#)  
14 [1, 2018, rates paid to nursing facilities from the rates approved by the Centers for Medicare and](#)  
15 [Medicaid Services and in effect on October 1, 2017, both fee-for-service and managed care, will](#)  
16 [be increased by one and one-half percent \(1.5%\) and further increased by one percent \(1%\) on](#)  
17 [October 1, 2018](#). Said inflation index shall be applied without regard for the transition ~~factor~~ [factors](#)  
18 in ~~subsection~~ [subsections \(b\)\(1\) and](#) (b)(2) below. For purposes of October 1, 2016, adjustment  
19 only, any rate increase that results from application of the inflation index to subparagraphs (a)(2)(i)  
20 and (a)(2)(ii) shall be dedicated to increase compensation for direct-care workers in the following  
21 manner: Not less than 85% of this aggregate amount shall be expended to fund an increase in wages,  
22 benefits, or related employer costs of direct-care staff of nursing homes. For purposes of this  
23 section, direct-care staff shall include registered nurses (RNs), licensed practical nurses (LPNs),  
24 certified nursing assistants (CNAs), certified medical technicians, housekeeping staff, laundry staff,  
25 dietary staff, or other similar employees providing direct care services; provided, however, that this  
26 definition of direct-care staff shall not include: (i) RNs and LPNs who are classified as "exempt  
27 employees" under the Federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.); or (ii) CNAs,  
28 certified medical technicians, RNs, or LPNs who are contracted, or subcontracted, through a third-  
29 party vendor or staffing agency. By July 31, 2017, nursing facilities shall submit to the secretary,  
30 or designee, a certification that they have complied with the provisions of this subparagraph  
31 (a)(2)(vi) with respect to the inflation index applied on October 1, 2016. Any facility that does not  
32 comply with terms of such certification shall be subjected to a clawback, paid by the nursing facility  
33 to the state, in the amount of increased reimbursement subject to this provision that was not  
34 expended in compliance with that certification.

1 (b) Transition to full implementation of rate reform. For no less than four (4) years after  
2 the initial application of the price-based methodology described in subdivision (a)(2) to payment  
3 rates, the executive office of health and human services shall implement a transition plan to  
4 moderate the impact of the rate reform on individual nursing facilities. Said transition shall include  
5 the following components:

6 (1) No nursing facility shall receive reimbursement for direct-care costs that is less than  
7 the rate of reimbursement for direct-care costs received under the methodology in effect at the time  
8 of passage of this act; for the year beginning October 1, 2017, the reimbursement for direct-care  
9 costs under this provision will be phased out in twenty-five-percent (25%) increments each year  
10 until October 1, 2021, when the reimbursement will no longer be in effect. ~~No nursing facility shall~~  
11 ~~receive reimbursement for direct care costs that is less than the rate of reimbursement for direct~~  
12 ~~care costs received under the methodology in effect at the time of passage of this act;~~ and

13 (2) No facility shall lose or gain more than five dollars (\$5.00) in its total per diem rate the  
14 first year of the transition. An adjustment to the per diem loss or gain may be phased out by twenty-  
15 five percent (25%) each year; except, however, for the years beginning October 1, 2015, there shall  
16 be no adjustment to the per diem gain or loss, but the phase out shall resume thereafter; and

17 (3) The transition plan and/or period may be modified upon full implementation of facility  
18 per diem rate increases for quality of care related measures. Said modifications shall be submitted  
19 in a report to the general assembly at least six (6) months prior to implementation.

20 (4) Notwithstanding any law to the contrary, for the twelve (12) month period beginning  
21 July 1, 2015, Medicaid payment rates for nursing facilities established pursuant to this section shall  
22 not exceed ninety-eight percent (98%) of the rates in effect on April 1, 2015. Consistent with the  
23 other provisions of this chapter, nothing in this provision shall require the executive office to restore  
24 the rates to those in effect on April 1, 2015 at the end of this twelve (12) month period.

25 SECTION 2. Sections 40-8.3-2 and 40-8.3-3 of the General Laws in Chapter 40-8.3 entitled  
26 "Uncompensated Care" are hereby amended to read as follows:

27 **40-8.3-2. Definitions.**

28 As used in this chapter:

29 (1) "Base year" means, for the purpose of calculating a disproportionate share payment for  
30 any fiscal year ending after September 30, ~~2016~~ 2017, the period from October 1, ~~2014~~ 2015,  
31 through September 30, ~~2015~~ 2016, and for any fiscal year ending after September 30, ~~2017~~ 2018,  
32 the period from October 1, ~~2015~~ 2016, through September 30, ~~2016~~ 2017.

33 (2) "Medicaid inpatient utilization rate for a hospital" means a fraction (expressed as a  
34 percentage), the numerator of which is the hospital's number of inpatient days during the base year

1 attributable to patients who were eligible for medical assistance during the base year and the  
2 denominator of which is the total number of the hospital's inpatient days in the base year.

3 (3) "Participating hospital" means any nongovernment and nonpsychiatric hospital that:

4 (i) Was licensed as a hospital in accordance with chapter 17 of title 23 during the base year  
5 and shall mean the actual facilities and buildings in existence in Rhode Island, licensed pursuant to  
6 § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on that license, regardless  
7 of changes in licensure status pursuant to chapter 17.14 of title 23 (hospital conversions) and § 23-  
8 17-6(b) (change in effective control), that provides short-term, acute inpatient and/or outpatient  
9 care to persons who require definitive diagnosis and treatment for injury, illness, disabilities, or  
10 pregnancy. Notwithstanding the preceding language, the negotiated Medicaid managed care  
11 payment rates for a court-approved purchaser that acquires a hospital through receivership, special  
12 mastership, or other similar state insolvency proceedings (which court-approved purchaser is issued  
13 a hospital license after January 1, 2013) shall be based upon the newly negotiated rates between  
14 the court-approved purchaser and the health plan, and such rates shall be effective as of the date  
15 that the court-approved purchaser and the health plan execute the initial agreement containing the  
16 newly negotiated rate. The rate-setting methodology for inpatient hospital payments and outpatient  
17 hospital payments set forth in §§ 40-8-13.4(b)(1)(ii)(C) and 40-8-13.4(b)(2), respectively, shall  
18 thereafter apply to negotiated increases for each annual twelve-month (12) period as of July 1  
19 following the completion of the first full year of the court-approved purchaser's initial Medicaid  
20 managed care contract.

21 (ii) Achieved a medical assistance inpatient utilization rate of at least one percent (1%)  
22 during the base year; and

23 (iii) Continues to be licensed as a hospital in accordance with chapter 17 of title 23 during  
24 the payment year.

25 (4) "Uncompensated-care costs" means, as to any hospital, the sum of: (i) The cost incurred  
26 by such hospital during the base year for inpatient or outpatient services attributable to charity care  
27 (free care and bad debts) for which the patient has no health insurance or other third-party coverage  
28 less payments, if any, received directly from such patients; and (ii) The cost incurred by such  
29 hospital during the base year for inpatient or out-patient services attributable to Medicaid  
30 beneficiaries less any Medicaid reimbursement received therefor; multiplied by the uncompensated  
31 care index.

32 (5) "Uncompensated-care index" means the annual percentage increase for hospitals  
33 established pursuant to § 27-19-14 for each year after the base year, up to and including the payment  
34 year; provided, however, that the uncompensated-care index for the payment year ending

1 September 30, 2007, shall be deemed to be five and thirty-eight hundredths percent (5.38%), and  
2 that the uncompensated-care index for the payment year ending September 30, 2008, shall be  
3 deemed to be five and forty-seven hundredths percent (5.47%), and that the uncompensated-care  
4 index for the payment year ending September 30, 2009, shall be deemed to be five and thirty-eight  
5 hundredths percent (5.38%), and that the uncompensated-care index for the payment years ending  
6 September 30, 2010, September 30, 2011, September 30, 2012, September 30, 2013, September  
7 30, 2014, September 30, 2015, September 30, 2016, September 30, 2017, and September 30, 2018,  
8 shall be deemed to be five and thirty hundredths percent (5.30%).

9 **40-8.3-3. Implementation.**

10 ~~(a) For federal fiscal year 2016, commencing on October 1, 2015, and ending September~~  
11 ~~30, 2016, the executive office of health and human services shall submit to the Secretary of the~~  
12 ~~U.S. Department of Health and Human Services a state plan amendment to the Rhode Island~~  
13 ~~Medicaid DSH Plan to provide:~~

14 ~~(1) That the disproportionate share hospital payments to all participating hospitals, not to~~  
15 ~~exceed an aggregate limit of \$138.2 million, shall be allocated by the executive office of health and~~  
16 ~~human services to the Pool A, Pool C, and Pool D components of the DSH Plan; and,~~

17 ~~(2) That the Pool D allotment shall be distributed among the participating hospitals in direct~~  
18 ~~proportion to the individual, participating hospital's uncompensated-care costs for the base year,~~  
19 ~~inflated by the uncompensated-care index to the total uncompensated-care costs for the base year~~  
20 ~~inflated by uncompensated-care index for all participating hospitals. The DSH Plan shall be made~~  
21 ~~on or before July 11, 2016, and are expressly conditioned upon approval on or before July 5, 2016,~~  
22 ~~by the Secretary of the U.S. Department of Health and Human Services, or his or her authorized~~  
23 ~~representative, of all Medicaid state plan amendments necessary to secure for the state the benefit~~  
24 ~~of federal financial participation in federal fiscal year 2016 for the DSH Plan.~~

25 ~~(b)~~(a) For federal fiscal year 2017, commencing on October 1, 2016, and ending September  
26 30, 2017, the executive office of health and human services shall submit to the Secretary of the  
27 U.S. Department of Health and Human Services a state plan amendment to the Rhode Island  
28 Medicaid DSH Plan to provide:

29 (1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of  
30 \$139.7 million, shall be allocated by the executive office of health and human services to the Pool  
31 D component of the DSH Plan; and,

32 (2) That the Pool D allotment shall be distributed among the participating hospitals in direct  
33 proportion to the individual, participating hospital's uncompensated-care costs for the base year,  
34 inflated by the uncompensated-care index to the total uncompensated-care costs for the base year

1 inflated by uncompensated-care index for all participating hospitals. The disproportionate-share  
2 payments shall be made on or before July 11, 2017, and are expressly conditioned upon approval  
3 on or before July 5, 2017, by the Secretary of the U.S. Department of Health and Human Services,  
4 or his or her authorized representative, of all Medicaid state plan amendments necessary to secure  
5 for the state the benefit of federal financial participation in federal fiscal year 2017 for the  
6 disproportionate share payments.

7 (c) for federal fiscal year 2019, commencing on October 1, 2018 and ending September 30,  
8 2019, the executive office of health and human services shall submit to the Secretary of the U.S.  
9 Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid  
10 DSH Plan to provide:

11 (1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of  
12 \$139.7 million, shall be allocated by the executive office of health and human services to Pool D  
13 component of the DSH Plan; and

14 (2) That the Pool D allotment shall be distributed among the participating hospitals in  
15 director proportion to the individual participating hospital's uncompensated care costs for the base  
16 year, inflated by the uncompensated care index to the total uncompensated care costs for the base  
17 year inflated by uncompensated care index for all participating hospitals. The disproportionate  
18 share payments shall be made on or before July 10, 2019 and are expressly conditioned upon  
19 approval on or before July 5, 2019 by the Secretary of U.S. Department of Health and Human  
20 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary  
21 to secure for the state the benefit of federal financial participation in federal fiscal year 2018 for  
22 the disproportionate share payments.

23 ~~(e)~~(d) For federal fiscal year 2018, commencing on October 1, 2017, and ending September  
24 30, 2018, the executive office of health and human services shall submit to the Secretary of the  
25 U.S. Department of Health and Human Services a state plan amendment to the Rhode Island  
26 Medicaid DSH Plan to provide:

27 (1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of  
28 \$138.6 million, shall be allocated by the executive office of health and human services to Pool D  
29 component of the DSH Plan; and,

30 (2) That the Pool D allotment shall be distributed among the participating hospitals in direct  
31 proportion to the individual participating hospital's uncompensated care costs for the base year,  
32 inflated by the uncompensated care index to the total uncompensated care costs for the base year  
33 inflated by uncompensated care index for all participating hospitals. The disproportionate share  
34 payments shall be made on or before July 10, 2018, and are expressly conditioned upon approval

1 on or before July 5, 2018, by the Secretary of the U.S. Department of Health and Human Services,  
2 or his or her authorized representative, of all Medicaid state plan amendments necessary to secure  
3 for the state the benefit of federal financial participation in federal fiscal year 2018 for the  
4 disproportionate share payments.

5 ~~(d)~~(e) No provision is made pursuant to this chapter for disproportionate-share hospital  
6 payments to participating hospitals for uncompensated-care costs related to graduate medical  
7 education programs.

8 ~~(e)~~(f) The executive office of health and human services is directed, on at least a monthly  
9 basis, to collect patient-level uninsured information, including, but not limited to, demographics,  
10 services rendered, and reason for uninsured status from all hospitals licensed in Rhode Island.

11 ~~(f)~~(g) Beginning with federal FY 2016, Pool D DSH payments will be recalculated by the  
12 state based on actual hospital experience. The final Pool D payments will be based on the data from  
13 the final DSH audit for each federal fiscal year. Pool D DSH payments will be redistributed among  
14 the qualifying hospitals in direct proportion to the individual, qualifying hospital's uncompensated-  
15 care to the total uncompensated-care costs for all qualifying hospitals as determined by the DSH  
16 audit. No hospital will receive an allocation that would incur funds received in excess of audited  
17 uncompensated-care costs.

18 SECTION 3. Section 40-8.4-12 of the General Laws in Chapter 40-8.4 entitled "Health  
19 Care for Families" is hereby amended to read as follows:

20 **40-8.4-12. RIte Share Health Insurance Premium Assistance Program.**

21 (a) Basic RIte Share Health Insurance Premium Assistance Program. ~~The office of health~~  
22 ~~and human services is authorized and directed to amend the medical assistance Title XIX state plan~~  
23 ~~to implement the provisions of section 1906 of Title XIX of the Social Security Act, 42 U.S.C.~~  
24 ~~section 1396e, and establish the Rhode Island health insurance premium assistance program for~~  
25 ~~RIte Care eligible families with incomes up to two hundred fifty percent (250%) of the federal~~  
26 ~~poverty level who have access to employer based health insurance. The state plan amendment shall~~  
27 ~~require eligible families with access to employer based health insurance to enroll themselves and/or~~  
28 ~~their family in the employer based health insurance plan as a condition of participation in the RIte~~  
29 ~~Share program under this chapter and as a condition of retaining eligibility for medical assistance~~  
30 ~~under chapters 5.1 and 8.4 of this title and/or chapter 12.3 of title 42 and/or premium assistance~~  
31 ~~under this chapter, provided that doing so meets the criteria established in section 1906 of Title~~  
32 ~~XIX for obtaining federal matching funds and the department has determined that the person's~~  
33 ~~and/or the family's enrollment in the employer based health insurance plan is cost effective and the~~  
34 ~~department has determined that the employer based health insurance plan meets the criteria set~~

1 ~~forth in subsection (d). The department shall provide premium assistance by paying all or a portion~~  
2 ~~of the employee's cost for covering the eligible person or his or her family under the employer-~~  
3 ~~based health insurance plan, subject to the cost sharing provisions in subsection (b), and provided~~  
4 ~~that the premium assistance is cost effective in accordance with Title XIX, 42 U.S.C. section 1396~~  
5 ~~et seq.~~ Under the terms of Section 1906 of Title XIX of the U.S. Social Security Act, states are  
6 permitted to pay a Medicaid eligible person's share of the costs for enrolling in employer-sponsored  
7 health insurance (ESI) coverage if it is cost effective to do so. Pursuant to general assembly's  
8 direction in Rhode Island Health Reform Act of 2000, the Medicaid agency requested and obtained  
9 federal approval under § 1916 to establish the RIte Share premium assistance program to subsidize  
10 the costs of enrolling Medicaid eligible persons and families in employer sponsored health  
11 insurance plans that have been approved as meeting certain cost and coverage requirements. The  
12 Medicaid agency also obtained, at the general assembly's direction, federal authority to require any  
13 such persons with access to ESI coverage to enroll as a condition of retaining eligibility providing  
14 that doing so meets the criteria established in Title XIX for obtaining federal matching funds.

15 (b) ~~Individuals who can afford it shall share in the cost. The office of health and human~~  
16 ~~services is authorized and directed to apply for and obtain any necessary waivers from the secretary~~  
17 ~~of the United States Department of Health and Human Services, including, but not limited to, a~~  
18 ~~waiver of the appropriate sections of Title XIX, 42 U.S.C. section 1396 et seq., to require that~~  
19 ~~families eligible for RIte Care under this chapter or chapter 12.3 of title 42 with incomes equal to~~  
20 ~~or greater than one hundred fifty percent (150%) of the federal poverty level pay a share of the~~  
21 ~~costs of health insurance based on the person's ability to pay, provided that the cost sharing shall~~  
22 ~~not exceed five percent (5%) of the person's annual income. The department of human services~~  
23 ~~shall implement the cost sharing by regulation, and shall consider co-payments, premium shares or~~  
24 ~~other reasonable means to do so.~~ Definitions. For the purposes of this subsection, the following  
25 definitions apply:

26 (1) "Cost-effective" means that the portion of the ESI that the state would subsidize, as  
27 well as wrap-around costs, would on average cost less to the State than enrolling that same  
28 person/family in a managed care delivery system.

29 (2) "Cost sharing" means any co-payments, deductibles or co-insurance associated with  
30 ESI.

31 (3) "Employee premium" means the monthly premium share a person or family is required  
32 to pay to the employer to obtain and maintain ESI coverage.

33 (4) "Employer-Sponsored Insurance or ESI" means health insurance or a group health plan  
34 offered to employees by an employer. This includes plans purchased by small employers through

1 the State health insurance marketplace, Healthsource, RI (HSRI).

2 (5) "Policy holder" means the person in the household with access to ESI, typically the  
3 employee.

4 (6) "RItE Share-approved employer-sponsored insurance (ESI)" means an employer-  
5 sponsored health insurance plan that meets the coverage and cost-effectiveness criteria for RItE  
6 Share.

7 (7) "RItE Share buy-in" means the monthly amount an Medicaid-ineligible policy holder  
8 must pay toward RItE Share-approved ESI that covers the Medicaid-eligible children, young adults  
9 or spouses with access to the ESI. The buy-in only applies in instances when household income is  
10 above one hundred fifty percent (150%) the FPL.

11 (8) "RItE Share premium assistance program" means the Rhode Island Medicaid premium  
12 assistance program in which the State pays the eligible Medicaid member's share of the cost of  
13 enrolling in a RItE Share-approved ESI plan. This allows the State to share the cost of the health  
14 insurance coverage with the employer.

15 (9) "RItE Share Unit" means the entity within EOHHS responsible for assessing the cost-  
16 effectiveness of ESI, contacting employers about ESI as appropriate, initiating the RItE Share  
17 enrollment and disenrollment process, handling member communications, and managing the  
18 overall operations of the RItE Share program.

19 (10) "Third-Party Liability (TPL)" means other health insurance coverage. This insurance  
20 is in addition to Medicaid and is usually provided through an employer. Since Medicaid is always  
21 the payer of last resort, the TPL is always the primary coverage.

22 (11) "Wrap-around services or coverage" means any health care services not included in  
23 the ESI plan that would have been covered had the Medicaid member been enrolled in a RItE Care  
24 or Rhody Health Partners plan. Coverage of deductibles and co-insurance is included in the wrap.  
25 Co-payments to providers are not covered as part of the wrap-around coverage.

26 ~~(c) Current RItE Care enrollees with access to employer-based health insurance. The office~~  
27 ~~of health and human services shall require any family who receives RItE Care or whose family~~  
28 ~~receives RItE Care on the effective date of the applicable regulations adopted in accordance with~~  
29 ~~subsection (f) to enroll in an employer-based health insurance plan at the person's eligibility~~  
30 ~~redetermination date or at an earlier date determined by the department, provided that doing so~~  
31 ~~meets the criteria established in the applicable sections of Title XIX, 42 U.S.C. section 1396 et seq.,~~  
32 ~~for obtaining federal matching funds and the department has determined that the person's and/or~~  
33 ~~the family's enrollment in the employer-based health insurance plan is cost effective and has~~  
34 ~~determined that the health insurance plan meets the criteria in subsection (d). The insurer shall~~

1 ~~accept the enrollment of the person and/or the family in the employer-based health insurance plan~~  
2 ~~without regard to any enrollment season restrictions.~~ RItE Share Populations. Medicaid  
3 beneficiaries subject to RItE Share include: children, families, parent and caretakers eligible for  
4 Medicaid or the Children's Health Insurance Program under this chapter or chapter 12.3 of title 42;  
5 and adults between the ages of nineteen (19) and sixty-four (64) who are eligible under chapter  
6 8.12 of title 40, not receiving or eligible to receive Medicare, and are enrolled in managed care  
7 delivery systems. The following conditions apply:

8 (1) The income of Medicaid beneficiaries shall affect whether and in what manner they  
9 must participate in RItE Share as follows:

10 (i) Income at or below one hundred fifty percent (150%) of FPL -- Persons and families  
11 determined to have household income at or below one hundred fifty percent (150%) of the Federal  
12 Poverty Level (FPL) guidelines based on the modified adjusted gross income (MAGI) standard or  
13 other standard approved by the secretary are required to participate in RItE Share if a Medicaid-  
14 eligible adult or parent/caretaker has access to cost-effective ESI. Enrolling in ESI through RItE  
15 Share shall be a condition of maintaining Medicaid health coverage for any eligible adult with  
16 access to such coverage.

17 (ii) Income above one hundred fifty percent (150%) FPL and policy holder is not Medicaid-  
18 eligible -- Premium assistance is available when the household includes Medicaid-eligible  
19 members, but the ESI policy holder (typically a parent/ caretaker or spouse) is not eligible for  
20 Medicaid. Premium assistance for parents/caretakers and other household members who are not  
21 Medicaid-eligible may be provided in circumstances when enrollment of the Medicaid-eligible  
22 family members in the approved ESI plan is contingent upon enrollment of the ineligible policy  
23 holder and the executive office of health and human services (executive office) determines, based  
24 on a methodology adopted for such purposes, that it is cost-effective to provide premium assistance  
25 for family or spousal coverage.

26 (d) RItE Share Enrollment as a Condition of Eligibility. For Medicaid beneficiaries over  
27 the age of nineteen (19) enrollment in RItE Share shall be a condition of eligibility except as  
28 exempted below and by regulations promulgated by the executive office.

29 (1) Medicaid-eligible children and young adults up to age nineteen (19) shall not be  
30 required to enroll in a parent/caretaker relative's ESI as a condition of maintaining Medicaid  
31 eligibility if the person with access to RItE Share-approved ESI does not enroll as required. These  
32 Medicaid-eligible children and young adults shall remain eligible for Medicaid and shall be  
33 enrolled in a RItE Care plan

34 (2) There shall be a limited six (6) month exemption from the mandatory enrollment

1 [requirement for persons participating in the RI Works program pursuant to chapter 5.2 of title 40.](#)

2 ~~(d)~~ (e) Approval of health insurance plans for premium assistance. The office of health and  
3 human services shall adopt regulations providing for the approval of employer-based health  
4 insurance plans for premium assistance and shall approve employer-based health insurance plans  
5 based on these regulations. In order for an employer-based health insurance plan to gain approval,  
6 the ~~department~~ [executive office](#) must determine that the benefits offered by the employer-based  
7 health insurance plan are substantially similar in amount, scope, and duration to the benefits  
8 provided to ~~RItE-Care~~ [Medicaid-eligible persons](#) ~~by the RItE-Care program~~ [enrolled in Medicaid](#)  
9 [managed care plan](#), when the plan is evaluated in conjunction with available supplemental benefits  
10 provided by the office. The office shall obtain and make available as to persons otherwise eligible  
11 for ~~RItE-Care~~ [Medicaid identified in this section](#) as supplemental benefits those benefits not  
12 reasonably available under employer-based health insurance plans which are required for ~~RItE-Care~~  
13 ~~eligible persons~~ [Medicaid beneficiaries](#) by state law or federal law or regulation. [Once it has been](#)  
14 [determined by the Medicaid agency that the ESI offered by a particular employer is RItE Share-](#)  
15 [approved, all Medicaid members with access to that employer's plan are required participate in RItE](#)  
16 [Share. Failure to meet the mandatory enrollment requirement shall result in the termination of the](#)  
17 [Medicaid eligibility of the policy holder and other Medicaid members nineteen \(19\) or older in the](#)  
18 [household that could be covered under the ESI until the policy holder complies with the RItE Share](#)  
19 [enrollment procedures established by the executive office.](#)

20 [\(f\) Premium Assistance. The executive office shall provide premium assistance by paying](#)  
21 [all or a portion of the employee's cost for covering the eligible person and/or his or her family under](#)  
22 [such a RItE Share-approved ESI plan subject to the buy-in provisions in this section.](#)

23 [\(g\) Buy-in. Persons who can afford it shall share in the cost. - The executive office is](#)  
24 [authorized and directed to apply for and obtain any necessary state plan and/or waiver amendments](#)  
25 [from the secretary of the U.S. DHHS to require that person enrolled in a RItE Share-approved](#)  
26 [employer-based health plan who have income equal to or greater than one hundred fifty percent](#)  
27 [\(150%\) of the FPL to buy-in to pay a share of the costs based on the ability to pay, provided that](#)  
28 [the buy-in cost shall not exceed five percent \(5%\) of the person's annual income. The executive](#)  
29 [office shall implement the buy-in by regulation, and shall consider co-payments, premium shares](#)  
30 [or other reasonable means to do so.](#)

31 ~~(e)~~-(h) Maximization of federal contribution. The office of health and human services is  
32 authorized and directed to apply for and obtain federal approvals and waivers necessary to  
33 maximize the federal contribution for provision of medical assistance coverage under this section,  
34 including the authorization to amend the Title XXI state plan and to obtain any waivers necessary

1 to reduce barriers to provide premium assistance to recipients as provided for in Title XXI of the  
2 Social Security Act, 42 U.S.C. section 1397 et seq.

3 ~~(i)~~ (i) Implementation by regulation. The office of health and human services is authorized  
4 and directed to adopt regulations to ensure the establishment and implementation of the premium  
5 assistance program in accordance with the intent and purpose of this section, the requirements of  
6 Title XIX, Title XXI and any approved federal waivers.

7 SECTION 4. Section 40-8.9-9 of the General Laws in Chapter 40-8.9 entitled "Medical  
8 Assistance - Long-Term Care Service and Finance Reform" is hereby amended to read as follows:

9 **40-8.9-9. Long-term care rebalancing system reform goal.**

10 (a) Notwithstanding any other provision of state law, the executive office of health and  
11 human services is authorized and directed to apply for, and obtain, any necessary waiver(s), waiver  
12 amendment(s), and/or state-plan amendments from the secretary of the United States Department  
13 of Health and Human Services, and to promulgate rules necessary to adopt an affirmative plan of  
14 program design and implementation that addresses the goal of allocating a minimum of fifty percent  
15 (50%) of Medicaid long-term care funding for persons aged sixty-five (65) and over and adults  
16 with disabilities, in addition to services for persons with developmental disabilities, to home- and  
17 community-based care; provided, further, the executive office shall report annually as part of its  
18 budget submission, the percentage distribution between institutional care and home- and  
19 community-based care by population and shall report current and projected waiting lists for long-  
20 term care and home- and community-based care services. The executive office is further authorized  
21 and directed to prioritize investments in home- and community-based care and to maintain the  
22 integrity and financial viability of all current long-term-care services while pursuing this goal.

23 (b) The reformed long-term-care system rebalancing goal is person-centered and  
24 encourages individual self-determination, family involvement, interagency collaboration, and  
25 individual choice through the provision of highly specialized and individually tailored home-based  
26 services. Additionally, individuals with severe behavioral, physical, or developmental disabilities  
27 must have the opportunity to live safe and healthful lives through access to a wide range of  
28 supportive services in an array of community-based settings, regardless of the complexity of their  
29 medical condition, the severity of their disability, or the challenges of their behavior. Delivery of  
30 services and supports in less costly and less restrictive community settings, will enable children,  
31 adolescents, and adults to be able to curtail, delay, or avoid lengthy stays in long-term care  
32 institutions, such as behavioral health residential-treatment facilities, long-term-care hospitals,  
33 intermediate-care facilities and/or skilled nursing facilities.

34 (c) Pursuant to federal authority procured under § 42-7.2-16, the executive office of health

1 and human services is directed and authorized to adopt a tiered set of criteria to be used to determine  
2 eligibility for services. Such criteria shall be developed in collaboration with the state's health and  
3 human services departments and, to the extent feasible, any consumer group, advisory board, or  
4 other entity designated for such purposes, and shall encompass eligibility determinations for long-  
5 term-care services in nursing facilities, hospitals, and intermediate-care facilities for persons with  
6 intellectual disabilities, as well as home- and community-based alternatives, and shall provide a  
7 common standard of income eligibility for both institutional and home- and community-based care.  
8 The executive office is authorized to adopt clinical and/or functional criteria for admission to a  
9 nursing facility, hospital, or intermediate-care facility for persons with intellectual disabilities that  
10 are more stringent than those employed for access to home- and community-based services. The  
11 executive office is also authorized to promulgate rules that define the frequency of re-assessments  
12 for services provided for under this section. Levels of care may be applied in accordance with the  
13 following:

14 (1) The executive office shall continue to apply the level of care criteria in effect on June  
15 30, 2015, for any recipient determined eligible for and receiving Medicaid-funded, long-term  
16 services in supports in a nursing facility, hospital, or intermediate-care facility for persons with  
17 intellectual disabilities on or before that date, unless:

18 (a) The recipient transitions to home- and community-based services because he or she  
19 would no longer meet the level of care criteria in effect on June 30, 2015; or

20 (b) The recipient chooses home- and community-based services over the nursing facility,  
21 hospital, or intermediate-care facility for persons with intellectual disabilities. For the purposes of  
22 this section, a failed community placement, as defined in regulations promulgated by the executive  
23 office, shall be considered a condition of clinical eligibility for the highest level of care. The  
24 executive office shall confer with the long-term-care ombudsperson with respect to the  
25 determination of a failed placement under the ombudsperson's jurisdiction. Should any Medicaid  
26 recipient eligible for a nursing facility, hospital, or intermediate-care facility for persons with  
27 intellectual disabilities as of June 30, 2015, receive a determination of a failed community  
28 placement, the recipient shall have access to the highest level of care; furthermore, a recipient who  
29 has experienced a failed community placement shall be transitioned back into his or her former  
30 nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities  
31 whenever possible. Additionally, residents shall only be moved from a nursing home, hospital, or  
32 intermediate-care facility for persons with intellectual disabilities in a manner consistent with  
33 applicable state and federal laws.

34 (2) Any Medicaid recipient eligible for the highest level of care who voluntarily leaves a

1 nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities shall  
2 not be subject to any wait list for home- and community-based services.

3 (3) No nursing home, hospital, or intermediate-care facility for persons with intellectual  
4 disabilities shall be denied payment for services rendered to a Medicaid recipient on the grounds  
5 that the recipient does not meet level of care criteria unless and until the executive office has:

6 (i) Performed an individual assessment of the recipient at issue and provided written notice  
7 to the nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities  
8 that the recipient does not meet level of care criteria; and

9 (ii) The recipient has either appealed that level of care determination and been  
10 unsuccessful, or any appeal period available to the recipient regarding that level of care  
11 determination has expired.

12 (d) The executive office is further authorized to consolidate all home- and community-  
13 based services currently provided pursuant to 42 U.S.C. § 1396n into a single system of home- and  
14 community-based services that include options for consumer direction and shared living. The  
15 resulting single home- and community-based services system shall replace and supersede all 42  
16 U.S.C. § 1396n programs when fully implemented. Notwithstanding the foregoing, the resulting  
17 single program home- and community-based services system shall include the continued funding  
18 of assisted-living services at any assisted-living facility financed by the Rhode Island housing and  
19 mortgage finance corporation prior to January 1, 2006, and shall be in accordance with chapter 66.8  
20 of title 42 of the general laws as long as assisted-living services are a covered Medicaid benefit.

21 (e) The executive office is authorized to promulgate rules that permit certain optional  
22 services including, but not limited to, homemaker services, home modifications, respite, and  
23 physical therapy evaluations to be offered to persons at risk for Medicaid-funded, long-term care  
24 subject to availability of state-appropriated funding for these purposes.

25 (f) To promote the expansion of home- and community-based service capacity, the  
26 executive office is authorized to pursue payment methodology reforms that increase access to  
27 homemaker, personal care (home health aide), assisted living, adult supportive-care homes, and  
28 adult day services, as follows:

29 (1) Development of revised or new Medicaid certification standards that increase access to  
30 service specialization and scheduling accommodations by using payment strategies designed to  
31 achieve specific quality and health outcomes.

32 (2) Development of Medicaid certification standards for state-authorized providers of  
33 adult-day services, excluding such providers of services authorized under § 40.1-24-1(3), assisted  
34 living, and adult supportive care (as defined under chapter 17.24 of title 23) that establish for each,

1 an acuity-based, tiered service and payment methodology tied to: licensure authority; level of  
2 beneficiary needs; the scope of services and supports provided; and specific quality and outcome  
3 measures.

4 The standards for adult-day services for persons eligible for Medicaid-funded, long-term  
5 services may differ from those who do not meet the clinical/functional criteria set forth in § 40-  
6 8.10-3.

7 (3) As the state's Medicaid program seeks to assist more beneficiaries requiring long-term  
8 services and supports in home- and community-based settings, the demand for home care workers  
9 has increased, and wages for these workers has not kept pace with neighboring states, leading to  
10 high turnover and vacancy rates in the state's home-care industry, the executive office shall institute  
11 a one-time increase in the base-payment rates for home-care service providers to promote increased  
12 access to and an adequate supply of highly trained home health care professionals, in amount to be  
13 determined by the appropriations process, for the purpose of raising wages for personal care  
14 attendants and home health aides to be implemented by such providers.

15 (4) A prospective base adjustment, effective not later than July 1, 2018, of ten percent  
16 (10%) of the current base rate for home care providers, home nursing care providers, and hospice  
17 providers contracted with the executive office of health and human services and its subordinate  
18 agencies to deliver Medicaid fee-for-service personal care attendant services.

19 (5) A prospective base adjustment, effective not later than July 1, 2018, of twenty percent  
20 (20%) of the current base rate for home care providers, home nursing care providers, and hospice  
21 providers contracted with the executive office of health and human services and its subordinate  
22 agencies to deliver Medicaid fee-for-service skilled nursing and therapeutic services and hospice  
23 care.

24 (6) On the first of July in each year, beginning on July 1, 2019, the executive office of health  
25 and human services will initiate an annual inflation increase to the base rate by a percentage amount  
26 equal to the New England Consumer Price Index card as determined by the United States  
27 Department of Labor for medical care and for compliance with all federal and state laws,  
28 regulations, and rules, and all national accreditation program requirements.

29 (g) The executive office shall implement a long-term-care options counseling program to  
30 provide individuals, or their representatives, or both, with long-term-care consultations that shall  
31 include, at a minimum, information about: long-term-care options, sources, and methods of both  
32 public and private payment for long-term-care services and an assessment of an individual's  
33 functional capabilities and opportunities for maximizing independence. Each individual admitted  
34 to, or seeking admission to, a long-term-care facility, regardless of the payment source, shall be

1 informed by the facility of the availability of the long-term-care options counseling program and  
2 shall be provided with long-term-care options consultation if they so request. Each individual who  
3 applies for Medicaid long-term-care services shall be provided with a long-term-care consultation.

4 (h) The executive office is also authorized, subject to availability of appropriation of  
5 funding, and federal, Medicaid-matching funds, to pay for certain services and supports necessary  
6 to transition or divert beneficiaries from institutional or restrictive settings and optimize their health  
7 and safety when receiving care in a home or the community. The secretary is authorized to obtain  
8 any state plan or waiver authorities required to maximize the federal funds available to support  
9 expanded access to such home- and community-transition and stabilization services; provided,  
10 however, payments shall not exceed an annual or per-person amount.

11 (i) To ensure persons with long-term-care needs who remain living at home have adequate  
12 resources to deal with housing maintenance and unanticipated housing-related costs, the secretary  
13 is authorized to develop higher resource eligibility limits for persons or obtain any state plan or  
14 waiver authorities necessary to change the financial eligibility criteria for long-term services and  
15 supports to enable beneficiaries receiving home and community waiver services to have the  
16 resources to continue living in their own homes or rental units or other home-based settings.

17 (j) The executive office shall implement, no later than January 1, 2016, the following home-  
18 and community-based service and payment reforms:

19 (1) Community-based, supportive-living program established in § 40-8.13-12;

20 (2) Adult day services level of need criteria and acuity-based, tiered-payment  
21 methodology; and

22 (3) Payment reforms that encourage home- and community-based providers to provide the  
23 specialized services and accommodations beneficiaries need to avoid or delay institutional care.

24 (k) The secretary is authorized to seek any Medicaid section 1115 waiver or state-plan  
25 amendments and take any administrative actions necessary to ensure timely adoption of any new  
26 or amended rules, regulations, policies, or procedures and any system enhancements or changes,  
27 for which appropriations have been authorized, that are necessary to facilitate implementation of  
28 the requirements of this section by the dates established. The secretary shall reserve the discretion  
29 to exercise the authority established under §§ 42-7.2-5(6)(v) and 42-7.2-6.1, in consultation with  
30 the governor, to meet the legislative directives established herein.

31 SECTION 5. Section 40.1-21-4 of the General Laws in Chapter 40.1-21 entitled "Division  
32 of Developmental Disabilities" is hereby amended to read as follows:

33 **40.1-21-4. Powers and duties of director of behavioral healthcare, developmental**  
34 **disabilities and hospitals.**

1 (a) The director of behavioral healthcare, developmental disabilities and hospitals shall be  
2 responsible for planning and developing a complete, comprehensive, and integrated statewide  
3 program for the developmentally disabled for the implementation of the program; and for the  
4 coordination of the efforts of the department of behavioral healthcare, developmental disabilities  
5 and hospitals with those of other state departments and agencies, municipal governments as well  
6 as the federal government and private agencies concerned with and providing services for the  
7 developmentally disabled.

8 (b) The director shall be responsible for the administration and operation of all state  
9 operated community and residential facilities established for the diagnosis, care, and training of the  
10 developmentally disabled. The director shall be responsible for establishing standards in  
11 conformance with generally accepted professional thought and for providing technical assistance  
12 to all state supported and licensed habilitative, developmental, residential and other facilities for  
13 the developmentally disabled, and exercise the requisite surveillance and inspection to insure  
14 compliance with standards. Provided, however, that none of the foregoing shall be applicable to  
15 any of the facilities wholly within the control of any other department of state government.

16 (c) The director of behavioral healthcare, developmental disabilities and hospitals shall  
17 stimulate research by public and private agencies, institutions of higher learning, and hospitals, in  
18 the interest of the elimination and amelioration of developmental disabilities, and care and training  
19 of the developmentally disabled.

20 (d) The director shall be responsible for the development of criteria as to the eligibility for  
21 admittance of any developmentally disabled person for residential care in any department supported  
22 and licensed residential facility or agency.

23 (e) The director of behavioral healthcare, developmental disabilities and hospitals may  
24 transfer retarded persons from one state residential facility to another when deemed necessary or  
25 desirable for their better care and welfare.

26 (f) The director of behavioral healthcare, developmental disabilities and hospitals shall  
27 make grants-in-aid and otherwise provide financial assistance to the various communities and  
28 private nonprofit agencies, in amounts which will enable all developmentally disabled adults to  
29 receive developmental and other services appropriate to their individual needs.

30 (g) The director shall coordinate all planning for the construction of facilities for the  
31 developmentally disabled, and the expenditure of funds appropriated or otherwise made available  
32 to the state for this purpose.

33 [\(h\) To ensure individuals eligible for services under § 40.1-21-43 receive the appropriate](#)  
34 [medical benefits through the Executive Office of Health and Human Services' Medicaid program,](#)

1 the director, or designee, will work in coordination with the Medicaid program to determine if an  
2 individual is eligible for long-term care services and supports and that he or she has the option to  
3 enroll in the Medicaid program that offers these services. As part of the monthly reporting  
4 requirements, the Department will indicate how many individuals have declined enrollment in a  
5 managed care plan that offers these long-term care services.

6 SECTION 6. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
7 GOVERNMENT" is hereby amended by adding thereto the following chapter:

8 CHAPTER 66.12

9 THE RHODE ISLAND AGING AND DISABILITY RESOURCE CENTER

10 **42-66.12-1. Short title.**

11 This chapter shall be known and may be cited as the "The Rhode Island Aging and  
12 Disability Resource Center Act".

13 **42-66.12-2. Purpose.**

14 To assist Rhode Islanders and their families in making informed choices and decisions  
15 about long-term service and support options and to streamline access to long-term supports and  
16 services for older adults, persons with disabilities, family caregivers and providers, a statewide  
17 aging and disability resource center shall be maintained. The Rhode Island aging and disability  
18 resource center (ADRC) is a state multi-agency effort. It consists of a centrally operated,  
19 coordinated system of information, referral and options counseling for all persons seeking long-  
20 term supports and services in order to enhance individual choice, foster informed decision-making  
21 and minimize confusion and duplication.

22 **42-66.12-3. Aging and disability resource center established.**

23 The Rhode Island aging and disability resource center (ADRC) shall be established and  
24 operated by the department of human services, division of elderly affairs (DEA) in collaboration  
25 with other agencies within the executive office of health and human services. The division of  
26 elderly affairs shall build on its experience in development and implementation of the current  
27 ADRC program. The ADRC is an integral part of the Rhode Island system of long-term supports  
28 and services working to promote the state's long-term system rebalancing goals by diverting  
29 persons, when appropriate, from institutional care to home and community-based services and  
30 preventing short-term institutional stays from becoming permanent through options counseling and  
31 screening for eligibility for home and community-based services.

32 **42-66.12-4. Aging and disability resource center service directives.**

33 (a) The aging and disability resource center (ADRC) shall provide for the following:

34 (l) A statewide toll-free ADRC information number available during business hours with

1 a messaging system to respond to after-hours calls during the next business day and language  
2 services to assist individuals with limited English language skills;

3 (2) A comprehensive database of information, updated on a regular basis and accessible  
4 through a dedicated website, on the full range of available public and private long-term support and  
5 service programs, service providers and resources within the state and in specific communities,  
6 including information on housing supports, transportation and the availability of integrated long-  
7 term care;

8 (3) Personal options counseling, including implementing provisions required in § 40-8.9-  
9 9, to assist individuals in assessing their existing or anticipated long-term care needs, and assisting  
10 them to develop and implement a plan designed to meet their specific needs and circumstances;

11 (4) A means to link callers to the ADRC information line to interactive long-term care  
12 screening tools and to make these tools available through the ADRC website by integrating the  
13 tools into the website;

14 (5) Development of partnerships, through memorandum agreements or other arrangements,  
15 with other entities serving older adults and persons with disabilities, including those working on  
16 nursing home transition and hospital discharge programs, to assist in maintaining and providing  
17 ADRC services; and

18 (6) Community education and outreach activities to inform persons about the ADRC  
19 services, in finding information through the Internet and in planning for future long-term care needs  
20 including housing and community service options.

21 SECTION 7. Rhode Island Medicaid Reform Act of 2008 Resolution.

22 WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode  
23 Island Medicaid Reform Act of 2008”; and

24 WHEREAS, a legislative enactment is required pursuant to Rhode Island General Laws  
25 42-12.4-1, *et seq.*; and

26 WHEREAS, Rhode Island General Law 42-7.2-5(3)(a) provides that the Secretary of the  
27 Executive Office of Health and Human Services (“Executive Office”) is responsible for the review  
28 and coordination of any Medicaid section 1115 demonstration waiver requests and renewals as well  
29 as any initiatives and proposals requiring amendments to the Medicaid state plan or category II or  
30 III changes as described in the demonstration, “with potential to affect the scope, amount, or  
31 duration of publicly-funded health care services, provider payments or reimbursements, or access  
32 to or the availability of benefits and services provided by Rhode Island general and public laws”;  
33 and

34 WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is

1 fiscally sound and sustainable, the Secretary requests legislative approval of the following  
2 proposals to amend the demonstration:

3 (a) *Provider Rates -- Adjustments.* The Executive Office proposes to:

4 (i) Increase nursing home rates one and one-half percent (1.5%) on July 1, 2018, and one  
5 percent (1 %) on October 1, 2018.

6 (ii) Reduce the administrative component of rates for Medicaid managed care plan rates  
7 administration.

8 (iii) Reduce the medical component of Medicaid managed care plan rates.

9 (iv) Increase rates paid for personal care attendants, skilled nursing and therapeutic services  
10 and hospice care.

11 Implementation of adjustments may require amendments to the Rhode Island's Medicaid  
12 State Plan and/or Section 1115 waiver under the terms and conditions of the demonstration. Further,  
13 adoption of new or amended rules, regulations and procedures may also be required.

14 (b) *Section 1115 Demonstration Waiver – Implementation of Existing Authorities.* To  
15 achieve the objectives of the State's demonstration waiver, the Executive Office proposes to  
16 implement the following approved authorities:

17 (i) Expanded expedited eligibility for long-term services and supports (LTSS) applicants  
18 who are transitioning to a home or community-based setting from a health facility, including a  
19 hospital or nursing home; and

20 (ii) Institute the multi-tiered needs-based criteria for determining the level of care and scope  
21 of services available to applicants with developmental disabilities seeking Medicaid home and  
22 community-based services in lieu of institutional care.

23 (c) *Section 1115 Demonstration Waiver – Extension Request –* The Executive Office  
24 proposes to seek approval from our federal partners to extend the Section 1115 demonstration as  
25 authorized in §42-12.4. In addition to maintaining existing waiver authorities, the Executive Office  
26 proposes to seek additional federal authorities to:

27 (i) Further the goals of LTSS rebalancing set forth in §40-8.9, by expanding the array of  
28 health care stabilization and maintenance services eligible for federal financial participation which  
29 are available to beneficiaries residing in home and community-based settings. Such services include  
30 adaptive and home-based monitoring technologies, transition help, and peer and personal supports  
31 that assist beneficiaries in better managing and optimizing their own care. The Executive Office  
32 proposes to pursue alternative payment strategies financed through the Health System  
33 Transformation Project (HSTP) to cover the state's share of the cost for such services and to expand  
34 on-going efforts to identify and provide cost-effective preventive services to persons at-risk for

1 LTSS and other high cost interventions.

2 (ii) Leverage existing resources and the flexibility of alternative payment methodologies  
3 to provide integrated medical and behavioral services to children and youth at risk and in transition,  
4 including targeted family visiting nurses, peer supports, and specialized networks of care.

5 (iii) Establish authority to provide Medicaid coverage to children who require residential  
6 care who by themselves would meet the Supplemental Security Income Disability standards but  
7 could not receive the cash benefit due to family income and resource limits and who would  
8 otherwise be placed in state custody.

9 (d) *Financial Integrity – Asset Verification and Transfers*. To comply with federal  
10 mandates pertaining to the integrity of the determination of eligibility and estate recoveries, the  
11 Executive Office plans to adopt an automated asset verification system which uses electronic data  
12 sources to verify ownership and the value of the financial resources and real property of applicants  
13 and beneficiaries and their spouses who are subject to asset and resource limits under Title XIX. In  
14 addition, the Executive Office proposes to adopt new or amended rules, policies and procedures for  
15 LTSS applicants and beneficiaries, inclusive of those eligible pursuant to §40-8.12, that conform  
16 to federal guidelines related to the transfer of assets for less than fair market value established in  
17 Title XIX and applicable federal guidelines. State plan amendments are required to comply fully  
18 with these mandates.

19 (e) *Service Delivery*. To better leverage all available health care dollars and promote access  
20 and service quality, the Executive Office proposes to:

21 (i) Restructure delivery systems for dual Medicare and Medicaid eligible LTSS  
22 beneficiaries who have chronic or disabling conditions to provide the foundation for implementing  
23 more cost-effective and sustainable managed care LTSS arrangements. Additional state plan  
24 authorities may be required.

25 (ii) Expand the reach of the RIte Share premium assistance program through amendments  
26 to the Medicaid state plan to cover non-disabled adults, ages 19 and older, who have access to a  
27 cost-effective Executive Office approved employer-sponsored health insurance program.

28 (f) *Non-Emergency Transportation Program (NEMT)*. To implement cost effective  
29 delivery of services and to enhance consumer satisfaction with transportation services by:

30 (i) Expanding reimbursement methodologies; and

31 (ii) Removing transportation restrictions to align with Title XIX of Federal law.

32 (g) *Community First Choice (CFC)*. To seek Medicaid state plan and any additional waiver  
33 authority necessary to implement the CFC option.

34 (h) *Alternative Payment Methodology*. To develop, in collaboration with the Department

1 of Behavioral Healthcare, Development Disabilities and Hospitals (BHDDH), a health home for  
2 providing conflict free person-centered planning and a quality and value based alternative payment  
3 system that advances the goal of improving service access, quality and value.

4 (i) *Opioid and Behavioral Health Crisis Management.* To implement in collaboration  
5 with the Department of Behavioral Healthcare, Development Disabilities and Hospitals (BHDDH),  
6 a community based alternative to emergency departments for addiction and mental  
7 health emergencies.

8 (j) *Federal Financing Opportunities.* The Executive Office proposes to review Medicaid  
9 requirements and opportunities under the U.S. Patient Protection and Affordable Care Act of 2010  
10 (PPACA) and various other recently enacted federal laws and pursue any changes in the Rhode  
11 Island Medicaid program that promote service quality, access and cost-effectiveness that may  
12 warrant a Medicaid State Plan amendment or amendment under the terms and conditions of Rhode  
13 Island's Section 1115 Waiver, its successor, or any extension thereof. Any such actions by the  
14 Executive Office shall not have an adverse impact on beneficiaries or cause there to be an increase  
15 in expenditures beyond the amount appropriated for state fiscal year 2019. Now, therefore, be it

16 RESOLVED, the General Assembly hereby approves proposals and be it further;

17 RESOLVED, the Secretary of the Executive Office is authorized to pursue and implement  
18 any waiver amendments, State Plan amendments, and/or changes to the applicable department's  
19 rules, regulations and procedures approved herein and as authorized by 42-12.4; and be it further

20 RESOLVED, that this Joint Resolution shall take effect upon passage.

21 SECTION 8. This Article shall take effect upon passage.

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**ARTICLE 14**

RELATING TO EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT

SECTION 1. Sections 21-28.6-3, 21-28.6-4, 21-28.6-6 and 21-28.6-12 of the General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" are hereby amended as follows:

**21-28.6-3. Definitions.**

For the purposes of this chapter:

(1) "Authorized purchaser" means a natural person who is at least twenty-one (21) years old and who is registered with the department of health for the purposes of assisting a qualifying patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no more than one patient, and is prohibited from consuming marijuana obtained for the use of the qualifying patient. An authorized purchaser shall be registered with the department of health and shall possess a valid registry identification card.

(2) "Cardholder" means a person who has been registered or licensed with the department of health or the department of business regulation pursuant to this chapter and possesses a valid registry identification card or license.

(3) "Commercial unit" means a building, office, suite, or room within a commercial or industrial building for use by one business or person and is rented or owned by that business or person.

(4) (i) "Compassion center" means a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser.

(ii) "Compassion center cardholder" means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the department of health or the department of business regulation and has been issued and possesses a valid, registry identification card.

(5) "Debilitating medical condition" means:

(i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune

1 deficiency syndrome, Hepatitis C, post-traumatic stress disorder, or the treatment of these  
2 conditions;

3 (ii) A chronic or debilitating disease or medical condition, or its treatment, that produces  
4 one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;  
5 severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe and  
6 persistent muscle spasms, including but not limited to, those characteristic of multiple sclerosis or  
7 Crohn's disease; or agitation of Alzheimer's Disease; or

8 (iii) Any other medical condition or its treatment approved by the department, as provided  
9 for in § 21-28.6-5.

10 (6) "Department of business regulation" means the Rhode Island department of business  
11 regulation or its successor agency.

12 (7) "Department of health" means the Rhode Island department of health or its successor  
13 agency.

14 (8) "Department of public safety" means the Rhode Island department of public safety or  
15 its successor agency.

16 (9) "Dried, useable marijuana" means the dried leaves and flowers of the marijuana plant  
17 as defined by regulations promulgated by the department of health.

18 (10) "Dwelling unit" means the room, or group of rooms, within a dwelling used or  
19 intended for use by one family or household, or by no more than three (3) unrelated individuals,  
20 for living, sleeping, cooking, and eating.

21 (11) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible,  
22 concentrated, or any other form, found to be equal to a portion of dried, usable marijuana, as defined  
23 by regulations promulgated by the department of health.

24 (12) "Licensed cultivator" means a person, as identified in § 43-3-6, who has been licensed  
25 by the department of business regulation to cultivate marijuana pursuant to § 21-28.6-16.

26 (13) "Marijuana" has the meaning given that term in § 21-28-1.02(29).

27 (14) "Mature marijuana plant" means a marijuana plant that has flowers or buds that are  
28 readily observable by an unaided visual examination.

29 (15) "Medical use" means the acquisition, possession, cultivation, manufacture, use,  
30 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of  
31 marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms associated  
32 with the medical condition.

33 (16) "Medical marijuana testing laboratory" means a third party analytical testing  
34 laboratory licensed by the department of health to collect and test samples of medical marijuana

1 [pursuant to regulations promulgated by the department.](#)

2 ~~(16)~~(17) "Practitioner" means a person who is licensed with authority to prescribe drugs  
3 pursuant to ~~chapter 37~~ [chapters 34, 37 and 54](#) of title 5, [who may provide a qualifying patient with](#)  
4 [a written certification in accordance with regulations promulgated by the department of health](#) or a  
5 physician licensed with authority to prescribe drugs in Massachusetts or Connecticut.

6 ~~(17)~~(18) "Primary caregiver" means a natural person who is at least twenty-one (21) years  
7 old. A primary caregiver may assist no more than five (5) qualifying patients with their medical  
8 use of marijuana.

9 ~~(18)~~(19) "Qualifying patient" means a person who has been diagnosed by a practitioner as  
10 having a debilitating medical condition and is a resident of Rhode Island.

11 ~~(19)~~(20) "Registry identification card" means a document issued by the department of  
12 health that identifies a person as a registered qualifying patient, a registered primary caregiver, or  
13 authorized purchaser, or a document issued by the department of business regulation that identifies  
14 a person as a registered principal officer, board member, employee, volunteer, or agent of a  
15 compassion center.

16 ~~(20)~~(21) "Seedling" means a marijuana plant with no observable flowers or buds.

17 ~~(21)~~(22) "Unusable marijuana" means marijuana seeds, stalks, seedlings, and unusable  
18 roots.

19 ~~(22)~~(23) "Usable marijuana" means the dried leaves and flowers of the marijuana plant,  
20 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

21 ~~(23)~~(24) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant  
22 before they have reached a dry useable state, as defined by regulations promulgated by the  
23 departments of health and business regulation.

24 ~~(24)~~(25) "Written certification" means the qualifying patient's medical records, and a  
25 statement signed by a practitioner, stating that, in the practitioner's professional opinion, the  
26 potential benefits of the medical use of marijuana would likely outweigh the health risks for the  
27 qualifying patient. A written certification shall be made only in the course of a bona fide,  
28 practitioner-patient relationship after the practitioner has completed a full assessment of the  
29 qualifying patient's medical history. The written certification shall specify the qualifying patient's  
30 debilitating medical condition or conditions.

31 **21-28.6-4. Protections for the medical use of marijuana.**

32 (a) A qualifying patient cardholder who has in his or her possession a registry identification  
33 card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or  
34 privilege, including, but not limited to, civil penalty or disciplinary action by a business or

1 occupational or professional licensing board or bureau, for the medical use of marijuana; provided,  
2 that the qualifying patient cardholder possesses an amount of marijuana that does not exceed twelve  
3 (12) mature marijuana plants that are accompanied by valid medical marijuana tags, two and one-  
4 half (2.5) ounces of usable marijuana, or its equivalent amount, and an amount of wet marijuana to  
5 be set by regulations promulgated by the departments of health and business regulation. Said plants  
6 shall be stored in an indoor facility.

7 (b) An authorized purchaser who has in his or her possession a registry identification card  
8 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,  
9 including, but not limited to, civil penalty or disciplinary action by a business or occupational or  
10 professional licensing board or bureau, for the possession of marijuana; provided that the  
11 authorized purchaser possesses an amount of marijuana that does not exceed two and one-half (2.5)  
12 ounces of usable marijuana, or its equivalent amount, and this marijuana was purchased legally  
13 from a compassion center for the use of their designated qualifying patient.

14 (c) A qualifying patient cardholder, who has in his or her possession a registry  
15 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied  
16 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business  
17 or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or  
18 before December 31, 2016 to a compassion center cardholder, marijuana of the type, and in an  
19 amount not to exceed, that set forth in subsection (a), that he or she has cultivated or manufactured  
20 pursuant to this chapter.

21 (d) No school, employer, or landlord may refuse to enroll, employ, or lease to, or otherwise  
22 penalize, a person solely for his or her status as a cardholder. Provided, however, due to the safety  
23 and welfare concern for other tenants, the property, and the public, as a whole, a landlord may have  
24 the discretion not to lease, or continue to lease, to a cardholder who cultivates marijuana in the  
25 leased premises.

26 (e) A primary caregiver cardholder, who has in his or her possession a registry  
27 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied  
28 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business  
29 or occupational or professional licensing board or bureau, for assisting a patient cardholder, to  
30 whom he or she is connected through the department of health's registration process, with the  
31 medical use of marijuana; provided, that the primary caregiver cardholder possesses an amount of  
32 marijuana that does not exceed twelve (12) mature marijuana plants that are accompanied by valid  
33 medical marijuana tags, two and one-half (2.5) ounces of usable marijuana, or its equivalent  
34 amount, and an amount of wet marijuana set in regulations promulgated by the departments of

1 health and business regulation for each qualified patient cardholder to whom he or she is connected  
2 through the department of health's registration process.

3 (f) A qualifying patient cardholder shall be allowed to possess a reasonable amount of  
4 unusable marijuana, including up to twelve (12) seedlings that are accompanied by valid medical  
5 marijuana tags. A primary caregiver cardholder shall be allowed to possess a reasonable amount of  
6 unusable marijuana, including up to twenty-four (24) seedlings that are accompanied by valid  
7 medical marijuana tags and an amount of wet marijuana set in regulations promulgated by the  
8 departments of health and business regulation.

9 (g) There shall exist a presumption that a cardholder is engaged in the medical use of  
10 marijuana if the cardholder:

11 (1) Is in possession of a registry identification card; and

12 (2) Is in possession of an amount of marijuana that does not exceed the amount permitted  
13 under this chapter. Such presumption may be rebutted by evidence that conduct related to marijuana  
14 was not for the purpose of alleviating the qualifying patient's debilitating medical condition or  
15 symptoms associated with the medical condition.

16 (h) A primary caregiver cardholder may receive reimbursement for costs associated with  
17 assisting a qualifying patient cardholder's medical use of marijuana. Compensation shall not  
18 constitute sale of controlled substances.

19 (i) A primary caregiver cardholder, who has in his or her possession a registry identification  
20 card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or  
21 privilege, including, but not limited to, civil penalty or disciplinary action by a business or  
22 occupational or professional licensing board or bureau, for selling, giving, or distributing, on or  
23 before December 31, 2016 to a compassion center cardholder, marijuana, of the type, and in an  
24 amount not to exceed that set forth in subsection (e), if:

25 (1) The primary caregiver cardholder cultivated the marijuana pursuant to this chapter, not  
26 to exceed the limits of subsection (e); and

27 (2) Each qualifying patient cardholder the primary caregiver cardholder is connected with  
28 through the department of health's registration process has been provided an adequate amount of  
29 the marijuana to meet his or her medical needs, not to exceed the limits of subsection (a).

30 (j) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or  
31 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by  
32 the Rhode Island board of medical licensure and discipline, or by any other business or occupational  
33 or professional licensing board or bureau solely for providing written certifications, or for otherwise  
34 stating that, in the practitioner's professional opinion, the potential benefits of the medical

1 marijuana would likely outweigh the health risks for a patient.

2 (k) Any interest in, or right to, property that is possessed, owned, or used in connection  
3 with the medical use of marijuana, or acts incidental to such use, shall not be forfeited.

4 (l) No person shall be subject to arrest or prosecution for constructive possession,  
5 conspiracy, aiding and abetting, being an accessory, or any other offense, for simply being in the  
6 presence or vicinity of the medical use of marijuana as permitted under this chapter, or for assisting  
7 a qualifying patient cardholder with using or administering marijuana.

8 (m) A practitioner, ~~nurse, nurse practitioner, physician's assistant,~~ [licensed with authority](#)  
9 [to prescribe drugs pursuant to chapter 34, 37, and 54 of title 5,](#) or pharmacist, [licensed under chapter](#)  
10 [19.1 of title 5,](#) shall not be subject to arrest, prosecution, or penalty in any manner, or denied any  
11 right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or  
12 occupational or professional licensing board or bureau solely for discussing the benefits or health  
13 risks of medical marijuana or its interaction with other substances with a patient.

14 (n) A qualifying patient or primary caregiver registry identification card, or its equivalent,  
15 issued under the laws of another state, U.S. territory, or the District of Columbia, to permit the  
16 medical use of marijuana by a patient with a debilitating medical condition, or to permit a person  
17 to assist with the medical use of marijuana by a patient with a debilitating medical condition, shall  
18 have the same force and effect as a registry identification card.

19 (o) Notwithstanding the provisions of § 21-28.6-4(e), no primary caregiver cardholder shall  
20 possess an amount of marijuana in excess of twenty-four (24) mature marijuana plants that are  
21 accompanied by valid medical marijuana tags and five (5) ounces of usable marijuana, or its  
22 equivalent, and an amount of wet marijuana set in regulations promulgated by the departments of  
23 health and business regulation for patient cardholders to whom he or she is connected through the  
24 department of health's registration process.

25 (p) A qualifying patient or primary caregiver cardholder may give marijuana to another  
26 qualifying patient or primary caregiver cardholder to whom they are not connected by the  
27 department's registration process, provided that no consideration is paid for the marijuana, and that  
28 the recipient does not exceed the limits specified in § 21-28.6-4.

29 (q) Qualifying patient cardholders and primary caregiver cardholders electing to grow  
30 marijuana shall only grow at one premises, and this premises shall be registered with the department  
31 of health. Except for compassion centers, cooperative cultivations, and licensed cultivators, no  
32 more than twenty-four (24) mature marijuana plants that are accompanied by valid medical  
33 marijuana tags shall be grown or otherwise located at any one dwelling unit or commercial unit.  
34 The number of qualifying patients or primary caregivers residing, owning, renting, growing, or

1 otherwise operating at a dwelling or commercial unit does not affect this limit. The department of  
2 health shall promulgate regulations to enforce this provision.

3 (r) For the purposes of medical care, including organ transplants, a patient cardholder's  
4 authorized use of marijuana shall be considered the equivalent of the authorized use of any other  
5 medication used at the direction of a physician, and shall not constitute the use of an illicit  
6 substance.

7 (s) Notwithstanding any other provisions of the general laws, the manufacture of marijuana  
8 using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent  
9 by a patient cardholder or primary caregiver cardholder shall not be subject to the protections of  
10 this chapter.

11 (t) Notwithstanding any provisions to the contrary, nothing in this chapter or the general  
12 laws shall restrict or otherwise affect the manufacturing, distribution, transportation, sale,  
13 prescribing and dispensing of a product that has been approved for marketing as a prescription  
14 medication by the U.S. Food and Drug Administration and legally prescribed, nor shall hemp, as  
15 defined in § 2-26-3, be defined as marijuana or marihuana pursuant to this chapter, chapter 21-28  
16 or elsewhere in the general laws.

17 **21-28.6-6. Administration of department of health and business regulation**  
18 **regulations.**

19 (a) The department of health shall issue registry identification cards to qualifying patients  
20 who submit the following, in accordance with the department's regulations: Applications shall  
21 include but not be limited to:

- 22 (1) Written certification as defined in § 21-28.6-3~~(24)~~(25) of this chapter;
- 23 (2) Application ~~or renewal~~ fee;
- 24 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if  
25 the patient is homeless, no address is required;
- 26 (4) Name, address, and telephone number of the qualifying patient's practitioner;
- 27 (5) Whether the patient elects to grow medical marijuana plants for himself or herself; and
- 28 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient and  
29 ~~one any~~ authorized ~~purchaser~~ purchasers for the qualifying patient, if any is chosen by the patient  
30 or allowed in accordance with regulations promulgated by the department of health.

31 (b) The department of health shall not issue a registry identification card to a qualifying  
32 patient under the age of eighteen (18) unless:

- 33 (1) The qualifying patient's practitioner has explained the potential risks and benefits of the  
34 medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal

1 custody of the qualifying patient; and

2 (2) A parent, guardian, or person having legal custody consents in writing to:

3 (i) Allow the qualifying patient's medical use of marijuana;

4 (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and

5 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical  
6 use of marijuana by the qualifying patient.

7 (c) The department of health shall renew registry identification cards to qualifying patients  
8 in accordance with regulations promulgated by the department of health.

9 (d) The department of health shall not issue a registry identification card to a qualifying  
10 patient seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).

11 ~~(e)~~(e) The department of health shall verify the information contained in an application or  
12 renewal submitted pursuant to this section, and shall approve or deny an application or renewal  
13 within thirty-five (35) days of receiving it. The department may deny an application or renewal  
14 only if the applicant did not provide the information required pursuant to this section, or if the  
15 department determines that the information provided was falsified. Rejection of an application or  
16 renewal is considered a final department action, subject to judicial review. Jurisdiction and venue  
17 for judicial review are vested in the superior court.

18 ~~(f)~~(f) If the qualifying patient's practitioner notifies the department in a written statement  
19 that the qualifying patient is eligible for hospice care or chemotherapy, the department of health  
20 shall give priority to these applications when verifying the information in accordance with  
21 subsection ~~(e)(c)~~ (e)(c) ~~Effective January 1, 2017, the department of health shall approve or deny and~~  
22 issue a registry identification card to these qualifying patients, primary caregivers and authorized  
23 purchasers within ~~five (5) days~~ seventy-two (72) hours of receipt of ~~an~~ the completed application.  
24 The departments shall not charge a registration fee to the patient, caregivers or authorized  
25 purchasers named in the application. The department of health may identify through regulation a  
26 list of other conditions qualifying a patient for expedited application processing.

27 ~~(g)~~(g) The department of health shall issue a registry identification card to the qualifying  
28 patient cardholder's primary caregiver, if any, who is named in the qualifying patient's approved  
29 application

30 (1) A primary caregiver applicant or an authorized purchaser applicant shall apply to the  
31 bureau of criminal identification of the department of attorney general, department of public safety  
32 division of state police, or local police department for a national criminal records check that shall  
33 include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any  
34 disqualifying information as defined in subdivision ~~(e)(4)~~ (g)(4), and in accordance with the rules

1 promulgated by the director, the bureau of criminal identification of the department of attorney  
2 general, department of public safety division of state police, or the local police department shall  
3 inform the applicant, in writing, of the nature of the disqualifying information; and, without  
4 disclosing the nature of the disqualifying information, shall notify the department, in writing, that  
5 disqualifying information has been discovered.

6 (2) In those situations in which no disqualifying information has been found, the bureau of  
7 criminal identification of the department of attorney general, department of public safety division  
8 of state police, or the local police shall inform the applicant and the department in writing, of this  
9 fact.

10 (3) The department of health shall maintain on file evidence that a criminal records check  
11 has been initiated on all applicants seeking a primary caregiver registry identification card or an  
12 authorized purchaser registry identification card and the results of the checks. The primary  
13 caregiver cardholder shall not be required to apply for a national criminal records check for each  
14 patient he or she is connected to through the department's registration process, provided that he or  
15 she has applied for a national criminal records check within the previous two (2) years in  
16 accordance with this chapter. The department shall not require a primary caregiver cardholder or  
17 an authorized purchaser cardholder to apply for a national criminal records check more than once  
18 every two (2) years.

19 (4) Information produced by a national criminal records check pertaining to a conviction  
20 for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"),  
21 murder, manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree  
22 child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree  
23 arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault  
24 or battery involving grave bodily injury, and/or assault with intent to commit any offense  
25 punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the  
26 applicant and the department of health disqualifying the applicant. If disqualifying information has  
27 been found, the department may use its discretion to issue a primary caregiver registry identification  
28 card or an authorized purchaser registry identification card if the applicant's connected patient is an  
29 immediate family member and the card is restricted to that patient only.

30 ~~(5)~~(5) The primary caregiver or authorized purchaser applicant shall be responsible for any  
31 expense associated with the national criminal records check.

32 ~~(6)~~(6) For purposes of this section, "conviction" means, in addition to judgments of  
33 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances  
34 where the defendant has entered a plea of nolo contendere and has received a sentence of probation

1 and those instances where a defendant has entered into a deferred sentence agreement with the  
2 attorney general.

3 ~~(h)~~(i) On or before December 31, 2016, the department of health shall issue registry  
4 identification cards within five (5) business days of approving an application or renewal that shall  
5 expire two (2) years after the date of issuance.

6 (ii) Effective January 1, 2017, and thereafter, the department of health shall issue registry  
7 identification cards within five (5) business days of approving an application or renewal that shall  
8 expire one year after the date of issuance.

9 (iii) Registry identification cards shall contain:

- 10 (1) The date of issuance and expiration date of the registry identification card;
- 11 (2) A random registry identification number;
- 12 (3) A photograph; and
- 13 (4) Any additional information as required by regulation or the department of health.

14 ~~(g)~~(i) Persons issued registry identification cards by the department of health shall be  
15 subject to the following:

16 (1) A qualifying patient cardholder shall notify the department of health of any change in  
17 his or her name, address, primary caregiver, or authorized purchaser; or if he or she ceases to have  
18 his or her debilitating medical condition, within ten (10) days of such change.

19 (2) A qualifying patient cardholder who fails to notify the department of health of any of  
20 these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred  
21 fifty dollars (\$150). If the patient cardholder has ceased to suffer from a debilitating medical  
22 condition, the card shall be deemed null and void and the person shall be liable for any other  
23 penalties that may apply to the person's nonmedical use of marijuana.

24 (3) A primary caregiver cardholder or authorized purchaser shall notify the department of  
25 health of any change in his or her name or address within ten (10) days of such change. A primary  
26 caregiver cardholder or authorized purchaser who fails to notify the department of any of these  
27 changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty  
28 dollars (\$150).

29 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the  
30 department of health of any changes listed in this subsection, the department of health shall issue  
31 the qualifying patient cardholder and each primary caregiver cardholder a new registry  
32 identification card within ten (10) days of receiving the updated information and a ten-dollar  
33 (\$10.00) fee.

34 (5) When a qualifying patient cardholder changes his or her primary caregiver or authorized

1 purchaser, the department of health shall notify the primary caregiver cardholder or authorized  
2 purchaser within ten (10) days. The primary caregiver cardholder's protections as provided in this  
3 chapter as to that patient shall expire ten (10) days after notification by the department. If the  
4 primary caregiver cardholder or authorized purchaser is connected to no other qualifying patient  
5 cardholders in the program, he or she must return his or her registry identification card to the  
6 department.

7 (6) If a cardholder or authorized purchaser loses his or her registry identification card, he  
8 or she shall notify the department and submit a ten-dollar (\$10.00) fee within ten (10) days of losing  
9 the card. Within five (5) days, the department shall issue a new registry identification card with  
10 new random identification number.

11 (7) Effective January 1, 2019, if a patient cardholder chooses to alter his or her registration  
12 with regard to the growing of medical marijuana for himself or herself, he or she shall notify the  
13 department prior to the purchase of medical marijuana tags or the growing of medical marijuana  
14 plants.

15 (8) If a cardholder or authorized purchaser willfully violates any provision of this chapter  
16 as determined by the department, his or her registry identification card may be revoked.

17 ~~(h)~~(i) Possession of, or application for, a registry identification card shall not constitute  
18 probable cause or reasonable suspicion, nor shall it be used to support the search of the person or  
19 property of the person possessing or applying for the registry identification card, or otherwise  
20 subject the person or property of the person to inspection by any governmental agency.

21 ~~(h)~~(k)(1) Applications and supporting information submitted by qualifying patients,  
22 including information regarding their primary caregivers, authorized purchaser, and practitioners,  
23 are confidential and protected under the federal Health Insurance Portability and Accountability  
24 Act of 1996, and shall be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island  
25 access to public records act) and not subject to disclosure, except to authorized employees of the  
26 department of health as necessary to perform official duties of the department, and pursuant to  
27 ~~subsection (j)~~ subsections (l) and (m).

28 (2) The application for qualifying patient's registry identification card shall include a  
29 question asking whether the patient would like the department of health to notify him or her of any  
30 clinical studies about marijuana's risk or efficacy. The department of health shall inform those  
31 patients who answer in the affirmative of any such studies it is notified of, that will be conducted  
32 in Rhode Island. The department of health may also notify those patients of medical studies  
33 conducted outside of Rhode Island.

34 (3) The department of health shall maintain a confidential list of the persons to whom the

1 department of health has issued registry identification cards. Individual names and other identifying  
2 information on the list shall be confidential, exempt from the provisions of Rhode Island access to  
3 public information, chapter 2 of title 38, and not subject to disclosure, except to authorized  
4 employees of the department of health as necessary to perform official duties of the department.

5 ~~(j)~~(l) Notwithstanding subsections (k) the department of health shall verify to law  
6 enforcement personnel whether a registry identification card is valid solely by confirming the  
7 random registry identification number or name. This verification may occur through the use of a  
8 shared database, provided that any confidential information in this database is protected in  
9 accordance with subdivision ~~(j)~~(k)(1).

10 ~~(k)~~(m) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a  
11 one thousand dollar (\$1,000) fine, for any person, including an employee or official of the  
12 departments of health, business regulation, public safety, or another state agency or local  
13 government, to breach the confidentiality of information obtained pursuant to this chapter.  
14 Notwithstanding this provision, the department [of health and department of business regulation](#)  
15 employees may notify law enforcement about falsified or fraudulent information submitted to the  
16 department [or violations of this chapter](#).

17 ~~(l)~~(n) On or before the fifteenth day of the month following the end of each quarter of the  
18 fiscal year, the department shall report to the governor, the speaker of the House of Representatives,  
19 and the president of the senate on applications for the use of marijuana for symptom relief. The  
20 report shall provide:

21 (1) The number of applications for registration as a qualifying patient, primary caregiver,  
22 or authorized purchaser that have been made to the department [of health](#) during the preceding  
23 quarter, the number of qualifying patients, primary caregivers, and authorized purchasers approved,  
24 the nature of the debilitating medical conditions of the qualifying patients, the number of  
25 registrations revoked, and the number and specializations, if any, of practitioners providing written  
26 certification for qualifying patients.

27 ~~(m)~~(o) On or before September 30 of each year, the department of health shall report to the  
28 governor, the speaker of the House of Representatives, and the president of the senate on the use  
29 of marijuana for symptom relief. The report shall provide:

30 (1) The total number of applications for registration as a qualifying patient, primary  
31 caregiver, or authorized purchaser that have been made to the department [of health](#), the number of  
32 qualifying patients, primary caregivers, and authorized purchasers approved, the nature of the  
33 debilitating medical conditions of the qualifying patients, the number of registrations revoked, and  
34 the number and specializations, if any, of practitioners providing written certification for qualifying

1 patients;

2 (2) The number of active qualifying patient, primary caregiver, and authorized purchaser  
3 registrations as of June 30 of the preceding fiscal year;

4 (3) An evaluation of the costs permitting the use of marijuana for symptom relief, including  
5 any costs to law enforcement agencies and costs of any litigation;

6 (4) Statistics regarding the number of marijuana-related prosecutions against registered  
7 patients and caregivers, and an analysis of the facts underlying those prosecutions;

8 (5) Statistics regarding the number of prosecutions against physicians for violations of this  
9 chapter; and

10 (6) Whether the United States Food and Drug Administration has altered its position  
11 regarding the use of marijuana for medical purposes or has approved alternative delivery systems  
12 for marijuana.

13 (p) After June 30, 2018, the department of business regulation shall report to the speaker  
14 of the house, senate president, the respective fiscal committee chairman and fiscal advisors within  
15 60 days of the close of the prior fiscal year. The report shall provide:

16 (1) The number of applications for registry identification cards to compassion center staff,  
17 the number approved, denied and the number of registry identification cards revoked, and the  
18 number of replacement cards issued

19 (2) The number of applications for compassion centers and licensed cultivators

20 (3) The number of marijuana plant tag sets ordered, delivered, and currently held within  
21 the state;

22 (4) The total revenue collections of any monies related to its regulator activities for the  
23 prior fiscal year, by the relevant category of collection, including enumerating specifically the total  
24 amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.

25 **21-28.6-12. Compassion centers.**

26 (a) A compassion center registered under this section may acquire, possess, cultivate,  
27 manufacture, deliver, transfer, transport, supply, or dispense marijuana, or related supplies and  
28 educational materials, to registered qualifying patients and their registered primary caregivers or  
29 authorized purchasers. Except as specifically provided to the contrary, all provisions of the Edward  
30 O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 -- 21-28.6-11, apply to a  
31 compassion center unless they conflict with a provision contained in § 21-28.6-12.

32 (b) Registration of compassion centers--authority of the departments of health and business  
33 regulation:

34 (1) Not later than ninety (90) days after the effective date of this chapter, the department

1 of health shall promulgate regulations governing the manner in which it shall consider applications  
2 for registration certificates for compassion centers, including regulations governing:

- 3 (i) The form and content of registration and renewal applications;
- 4 (ii) Minimum oversight requirements for compassion centers;
- 5 (iii) Minimum record-keeping requirements for compassion centers;
- 6 (iv) Minimum security requirements for compassion centers; and
- 7 (v) Procedures for suspending, revoking, or terminating the registration of compassion  
8 centers that violate the provisions of this section or the regulations promulgated pursuant to this  
9 subsection.

10 (2) Within ninety (90) days of the effective date of this chapter, the department of health  
11 shall begin accepting applications for the operation of a single compassion center.

12 (3) Within one hundred fifty (150) days of the effective date of this chapter, the department  
13 of health shall provide for at least one public hearing on the granting of an application to a single  
14 compassion center.

15 (4) Within one hundred ninety (190) days of the effective date of this chapter, the  
16 department of health shall grant a single registration certificate to a single compassion center,  
17 providing at least one applicant has applied who meets the requirements of this chapter.

18 (5) If at any time after fifteen (15) months after the effective date of this chapter, there is  
19 no operational compassion center in Rhode Island, the department of health shall accept  
20 applications, provide for input from the public, and issue a registration certificate for a compassion  
21 center if a qualified applicant exists.

22 (6) Within two (2) years of the effective date of this chapter, the department of health shall  
23 begin accepting applications to provide registration certificates for two (2) additional compassion  
24 centers. The department shall solicit input from the public, and issue registration certificates if  
25 qualified applicants exist.

26 (7) (i) Any time a compassion center registration certificate is revoked, is relinquished, or  
27 expires on or before December 31, 2016, the department of health shall accept applications for a  
28 new compassion center.

29 (ii) Any time a compassion center registration certificate is revoked, is relinquished, or  
30 expires on or after January 1, 2017, the department of business regulation shall accept applications  
31 for a new compassion center.

32 (8) If at any time after three (3) years after the effective date of this chapter and on or before  
33 December 31, 2016, fewer than three (3) compassion centers are holding valid registration  
34 certificates in Rhode Island, the department of health shall accept applications for a new

1 compassion center. If at any time on or after January 1, 2017, fewer than three (3) compassion  
2 centers are holding valid registration certificates in Rhode Island, the department of business  
3 regulation shall accept applications for a new compassion center. No more than three (3)  
4 compassion centers may hold valid registration certificates at one time.

5 (9) Any compassion center application selected for approval by the department of health  
6 on or before December 31, 2016, or selected for approval by the department of business regulation  
7 on or after January 1, 2017, shall remain in full force and effect, notwithstanding any provisions of  
8 this chapter to the contrary, and shall be subject to state law adopted herein and rules and regulations  
9 adopted by the departments of health and business regulation subsequent to passage of this  
10 legislation.

11 (c) Compassion center and agent applications and registration:

12 (1) Each application for a compassion center shall include:

13 (i) A non-refundable application fee paid to the department in the amount of two hundred  
14 fifty dollars (\$250);

15 (ii) The proposed legal name and proposed articles of incorporation of the compassion  
16 center;

17 (iii) The proposed physical address of the compassion center, if a precise address has been  
18 determined, or, if not, the general location where it would be located. This may include a second  
19 location for the cultivation of medical marijuana;

20 (iv) A description of the enclosed, locked facility that would be used in the cultivation of  
21 marijuana;

22 (v) The name, address, and date of birth of each principal officer and board member of the  
23 compassion center;

24 (vi) Proposed security and safety measures that shall include at least one security alarm  
25 system for each location, planned measures to deter and prevent the unauthorized entrance into  
26 areas containing marijuana and the theft of marijuana, as well as a draft, employee-instruction  
27 manual including security policies, safety and security procedures, personal safety, and crime-  
28 prevention techniques; and

29 (vii) Proposed procedures to ensure accurate record keeping;

30 (2) (i) For applications submitted on or before December 31, 2016, any time one or more  
31 compassion center registration applications are being considered, the department of health shall  
32 also allow for comment by the public and shall solicit input from registered qualifying patients,  
33 registered primary caregivers; and the towns or cities where the applicants would be located;

34 (ii) For applications submitted on or after January 1, 2017, any time one or more

1 compassion center registration applications are being considered, the department of business  
2 regulation shall also allow for comment by the public and shall solicit input from registered  
3 qualifying patients, registered primary caregivers; and the towns or cities where the applicants  
4 would be located.

5 (3) Each time a compassion center certificate is granted, the decision shall be based upon  
6 the overall health needs of qualified patients and the safety of the public, including, but not limited  
7 to, the following factors:

8 (i) Convenience to patients from throughout the state of Rhode Island to the compassion  
9 centers if the applicant were approved;

10 (ii) The applicant's ability to provide a steady supply to the registered qualifying patients  
11 in the state;

12 (iii) The applicant's experience running a non-profit or business;

13 (iv) The interests of qualifying patients regarding which applicant be granted a registration  
14 certificate;

15 (v) The interests of the city or town where the dispensary would be located;

16 (vi) The sufficiency of the applicant's plans for record keeping and security, which records  
17 shall be considered confidential health-care information under Rhode Island law and are intended  
18 to be deemed protected health-care information for purposes of the Federal Health Insurance  
19 Portability and Accountability Act of 1996, as amended; and

20 (vii) The sufficiency of the applicant's plans for safety and security, including proposed  
21 location, security devices employed, and staffing;

22 (4) A compassion center approved by the department of health on or before December 31,  
23 2016, shall submit the following to the department before it may begin operations:

24 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);

25 (ii) The legal name and articles of incorporation of the compassion center;

26 (iii) The physical address of the compassion center; this may include a second address for  
27 the secure cultivation of marijuana;

28 (iv) The name, address, and date of birth of each principal officer and board member of the  
29 compassion center; and

30 (v) The name, address, and date of birth of any person who will be an agent of, employee,  
31 or volunteer of the compassion center at its inception.

32 (5) A compassion center approved by the department of business regulation on or after  
33 January 1, 2017, shall submit the following to the department before it may begin operations:

34 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);

- 1 (ii) The legal name and articles of incorporation of the compassion center;
- 2 (iii) The physical address of the compassion center; this may include a second address for  
3 the secure cultivation of marijuana;
- 4 (iv) The name, address, and date of birth of each principal officer and board member of the  
5 compassion center;
- 6 (v) The name, address, and date of birth of any person who will be an agent of, employee,  
7 or volunteer of the compassion center at its inception.

8 (6) Except as provided in subdivision (7), the department of health or the department of  
9 business regulation shall issue each principal officer, board member, agent, volunteer, and  
10 employee of a compassion center a registry identification card or renewal card after receipt of the  
11 person's name, address, date of birth; a fee in an amount established by the department of health or  
12 the department business regulation; and notification to the department of health or the department  
13 of business regulation by the department of public safety division of state police that the registry  
14 identification card applicant has not been convicted of a felony drug offense or has not entered a  
15 plea of nolo contendere for a felony drug offense and received a sentence of probation. Each card  
16 shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee  
17 of a compassion center and shall contain the following:

- 18 (i) The name, address, and date of birth of the principal officer, board member, agent,  
19 volunteer, or employee;
- 20 (ii) The legal name of the compassion center to which the principal officer, board member,  
21 agent, volunteer, or employee is affiliated;
- 22 (iii) A random identification number that is unique to the cardholder;
- 23 (iv) The date of issuance and expiration date of the registry identification card; and
- 24 (v) A photograph, if the department of health or the department of business regulation  
25 decides to require one.

26 (7) Except as provided in this subsection, neither the department of health nor the  
27 department of business regulation shall issue a registry identification card to any principal officer,  
28 board member, agent, volunteer, or employee of a compassion center who has been convicted of a  
29 felony drug offense or has entered a plea of nolo contendere for a felony drug offense and received  
30 a sentence of probation. If a registry identification card is denied, the compassion center will be  
31 notified in writing of the purpose for denying the registry identification card. A registry  
32 identification card may be granted if the offense was for conduct that occurred prior to the  
33 enactment of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act or that was  
34 prosecuted by an authority other than the state of Rhode Island and for which the Edward O.

1 Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have prevented a  
2 conviction.

3 (i) All registry identification card applicants shall apply to the department of public safety  
4 division of state police for a national criminal identification records check that shall include  
5 fingerprints submitted to the federal bureau of investigation. Upon the discovery of a felony drug  
6 offense conviction or a plea of nolo contendere for a felony drug offense with a sentence of  
7 probation, and in accordance with the rules promulgated by the department of health and the  
8 department of business regulation, the department of public safety division of state police shall  
9 inform the applicant, in writing, of the nature of the felony and the department of public safety  
10 division of state police shall notify the department of health or the department of business  
11 regulation, in writing, without disclosing the nature of the felony, that a felony drug offense  
12 conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

13 (ii) In those situations in which no felony drug offense conviction or plea of nolo  
14 contendere for a felony drug offense with probation has been found, the department of public safety  
15 division of state police shall inform the applicant and the department of health or the department  
16 of business regulation, in writing, of this fact.

17 (iii) All registry identification card applicants shall be responsible for any expense  
18 associated with the criminal background check with fingerprints.

19 (8) A registry identification card of a principal officer, board member, agent, volunteer, or  
20 employee shall expire one year after its issuance, or upon the expiration of the registered  
21 organization's registration certificate, or upon the termination of the principal officer, board  
22 member, agent, volunteer or employee's relationship with the compassion center, whichever occurs  
23 first.

24 (9) A compassion center cardholder shall notify and request approval from the department  
25 of business regulation of any change in his or her name or address within ten (10) days of such  
26 change. A compassion center cardholder who fails to notify the department of business regulation  
27 of any of these changes is responsible for a civil infraction, punishable by a fine of no more than  
28 one hundred fifty dollars (\$150).

29 (10) When a compassion center cardholder notifies the department of health or the  
30 department of business regulation of any changes listed in this subsection, the department shall  
31 issue the cardholder a new registry identification card within ten (10) days of receiving the updated  
32 information and a ten-dollar (\$10.00) fee.

33 (11) If a compassion center cardholder loses his or her registry identification card, he or  
34 she shall notify the department of health or the department of business regulation and submit a ten

1 dollar (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the department  
2 shall issue a new registry identification card with new random identification number.

3 (12) On or before December 31, 2016, a compassion center cardholder shall notify the  
4 department of health of any disqualifying criminal convictions as defined in subdivision (c)(7). The  
5 department of health may choose to suspend and/or revoke his or her registry identification card  
6 after such notification.

7 (13) On or after January 1, 2017, a compassion center cardholder shall notify the  
8 department of business regulation of any disqualifying criminal convictions as defined in  
9 subdivision (c)(7). The department of business regulation may choose to suspend and/or revoke his  
10 or her registry identification card after such notification.

11 (14) If a compassion center cardholder violates any provision of this chapter or regulations  
12 promulgated hereunder as determined by the departments of health and business regulation, his or  
13 her registry identification card may be suspended and/or revoked.

14 (d) Expiration or termination of compassion center:

15 (1) On or before December 31, 2016, a compassion center's registration shall expire two  
16 (2) years after its registration certificate is issued. On or after January 1, 2017, a compassion center's  
17 registration shall expire one year after its registration certificate is issued. The compassion center  
18 may submit a renewal application beginning sixty (60) days prior to the expiration of its registration  
19 certificate;

20 (2) The department of health or the department of business regulation shall grant a  
21 compassion center's renewal application within thirty (30) days of its submission if the following  
22 conditions are all satisfied:

23 (i) The compassion center submits the materials required under subdivisions (c)(4) and  
24 (c)(5), including a ~~five thousand dollar (\$5,000)~~ two hundred fifty thousand dollar (\$250,000) fee;

25 (ii) The compassion center's registration has never been suspended for violations of this  
26 chapter or regulations issued pursuant to this chapter; and

27 (iii) The department of health and the department of business regulation find that the  
28 compassion center is adequately providing patients with access to medical marijuana at reasonable  
29 rates;

30 (3) If the department of health or the department of business regulation determines that any  
31 of the conditions listed in paragraphs (d)(2)(i) -- (iii) have not been met, the department shall begin  
32 an open application process for the operation of a compassion center. In granting a new registration  
33 certificate, the department of health or the department of business regulation shall consider factors  
34 listed in subdivision (c)(3);

1 (4) The department of health or the department of business regulation shall issue a  
2 compassion center one or more thirty-day (30) temporary registration certificates after that  
3 compassion center's registration would otherwise expire if the following conditions are all satisfied:

4 (i) The compassion center previously applied for a renewal, but the department had not yet  
5 come to a decision;

6 (ii) The compassion center requested a temporary registration certificate; and

7 (iii) The compassion center has not had its registration certificate revoked due to violations  
8 of this chapter or regulations issued pursuant to this chapter.

9 (5) A compassion center's registry identification card shall be subject to revocation if the  
10 compassion center:

11 (i) Possesses an amount of marijuana exceeding the limits established by this chapter;

12 (ii) Is in violation of the laws of this state;

13 (iii) Is in violation of other departmental regulations; or

14 (iv) Employs or enters into a business relationship with a medical practitioner who provides  
15 written certification of a qualifying patient's medical condition.

16 (e) Inspection. Compassion centers are subject to reasonable inspection by the department  
17 of health, division of facilities regulation and the department of business regulation. During an  
18 inspection, the departments may review the compassion center's confidential records, including its  
19 dispensing records, which shall track transactions according to qualifying patients' registry  
20 identification numbers to protect their confidentiality.

21 (f) Compassion center requirements:

22 (1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit  
23 of its patients. A compassion center need not be recognized as a tax-exempt organization by the  
24 Internal Revenue Service;

25 (2) A compassion center may not be located within one thousand feet (1000') of the  
26 property line of a preexisting public or private school;

27 (3) On or before December 31, 2016, a compassion center shall notify the department of  
28 health within ten (10) days of when a principal officer, board member, agent, volunteer, or  
29 employee ceases to work at the compassion center. On or after January 1, 2017, a compassion  
30 center shall notify the department of business regulation within ten (10) days of when a principal  
31 officer, board member, agent, volunteer, or employee ceases to work at the compassion center. His  
32 or her card shall be deemed null and void and the person shall be liable for any penalties that may  
33 apply to any nonmedical possession or use of marijuana by the person;

34 (4) (i) On or before December 31, 2016, a compassion center shall notify the department

1 of health in writing of the name, address, and date of birth of any new principal officer, board  
2 member, agent, volunteer or employee and shall submit a fee in an amount established by the  
3 department for a new registry identification card before that person begins his or her relationship  
4 with the compassion center;

5 (ii) On or after January 1, 2017, a compassion center shall notify the department of business  
6 regulation, in writing, of the name, address, and date of birth of any new principal officer, board  
7 member, agent, volunteer, or employee and shall submit a fee in an amount established by the  
8 department for a new registry identification card before that person begins his or her relationship  
9 with the compassion center;

10 (5) A compassion center shall implement appropriate security measures to deter and  
11 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and  
12 shall insure that each location has an operational security alarm system. Each compassion center  
13 shall request that the department of public safety division of state police visit the compassion center  
14 to inspect the security of the facility and make any recommendations regarding the security of the  
15 facility and its personnel within ten (10) days prior to the initial opening of each compassion center.  
16 Said recommendations shall not be binding upon any compassion center, nor shall the lack of  
17 implementation of said recommendations delay or prevent the opening or operation of any center.  
18 If the department of public safety division of state police does not inspect the compassion center  
19 within the ten-day (10) period, there shall be no delay in the compassion center's opening.

20 (6) The operating documents of a compassion center shall include procedures for the  
21 oversight of the compassion center and procedures to ensure accurate record keeping.

22 (7) A compassion center is prohibited from acquiring, possessing, cultivating,  
23 manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any  
24 purpose except to assist registered qualifying patients with the medical use of marijuana directly or  
25 through the qualifying patient's primary caregiver or authorized purchaser.

26 (8) All principal officers and board members of a compassion center must be residents of  
27 the state of Rhode Island.

28 (9) Each time a new, registered, qualifying patient visits a compassion center, it shall  
29 provide the patient with a frequently asked questions sheet, designed by the department, that  
30 explains the limitations on the right to use medical marijuana under state law.

31 (10) Effective July 1, 2016, each compassion center shall be subject to any regulations  
32 promulgated by the department of health that specify how usable marijuana must be tested for items  
33 included but not limited to cannabinoid profile and contaminants.

34 (11) Effective January 1, 2017, each compassion center shall be subject to any product

1 labeling requirements promulgated by the department of business regulation.

2 (12) Each compassion center shall develop, implement, and maintain on the premises  
3 employee, volunteer, and agent policies and procedures to address the following requirements:

4 (i) A job description or employment contract developed for all employees and agents, and  
5 a volunteer agreement for all volunteers, that includes duties, authority, responsibilities,  
6 qualifications, and supervision; and

7 (ii) Training in, and adherence to, state confidentiality laws.

8 (13) Each compassion center shall maintain a personnel record for each employee, agent,  
9 and volunteer that includes an application and a record of any disciplinary action taken.

10 (14) Each compassion center shall develop, implement, and maintain on the premises an  
11 on-site training curriculum, or enter into contractual relationships with outside resources capable  
12 of meeting employee training needs, that includes, but is not limited to, the following topics:

13 (i) Professional conduct, ethics, and patient confidentiality; and

14 (ii) Informational developments in the field of medical use of marijuana.

15 (15) Each compassion center entity shall provide each employee, agent, and volunteer, at  
16 the time of his or her initial appointment, training in the following:

17 (i) The proper use of security measures and controls that have been adopted; and

18 (ii) Specific procedural instructions on how to respond to an emergency, including robbery  
19 or violent accident.

20 (16) All compassion centers shall prepare training documentation for each employee and  
21 volunteer and have employees and volunteers sign a statement indicating the date, time, and place  
22 the employee and volunteer received said training and topics discussed, to include name and title  
23 of presenters. The compassion center shall maintain documentation of an employee's and a  
24 volunteer's training for a period of at least six (6) months after termination of an employee's  
25 employment or the volunteer's volunteering.

26 (g) Maximum amount of usable marijuana to be dispensed:

27 (1) A compassion center or principal officer, board member, agent, volunteer, or employee  
28 of a compassion center may not dispense more than two and one half ounces (2.5 oz.) of usable  
29 marijuana, or its equivalent, to a qualifying patient directly or through a qualifying patient's primary  
30 caregiver or authorized purchaser during a fifteen-day (15) period;

31 (2) A compassion center or principal officer, board member, agent, volunteer, or employee  
32 of a compassion center may not dispense an amount of usable marijuana, or its equivalent,  
33 seedlings, or mature marijuana plants, to a qualifying patient, a qualifying patient's primary  
34 caregiver, or a qualifying patient's authorized purchaser that the compassion center, principal

1 officer, board member, agent, volunteer, or employee knows would cause the recipient to possess  
2 more marijuana than is permitted under the Edward O. Hawkins and Thomas C. Slater Medical  
3 Marijuana Act.

4 (3) Compassion centers shall utilize a database administered by the departments of health  
5 and business regulation. The database shall contains all compassion centers' transactions according  
6 to qualifying patients', authorized purchasers', and primary caregivers', registry identification  
7 numbers to protect the confidentiality of patient personal and medical information. Compassion  
8 centers will not have access to any applications or supporting information submitted by qualifying  
9 patients, authorized purchasers or primary caregivers. Before dispensing marijuana to any patient  
10 or authorized purchaser, the compassion center must utilize the database to ensure that a qualifying  
11 patient is not dispensed more than two and one half ounces (2.5 oz.) of usable marijuana or its  
12 equivalent directly or through the qualifying patient's primary caregiver or authorized purchaser  
13 during a fifteen-day (15) period.

14 (h) Immunity:

15 (1) No registered compassion center shall be subject to prosecution; search, except by the  
16 departments pursuant to subsection (e); seizure; or penalty in any manner, or denied any right or  
17 privilege, including, but not limited to, civil penalty or disciplinary action by a business,  
18 occupational, or professional licensing board or entity, solely for acting in accordance with this  
19 section to assist registered qualifying patients.

20 (2) No registered compassion center shall be subject to prosecution, seizure, or penalty in  
21 any manner, or denied any right or privilege, including, but not limited to, civil penalty or  
22 disciplinary action, by a business, occupational, or professional licensing board or entity, for  
23 selling, giving, or distributing marijuana in whatever form, and within the limits established by, the  
24 department of health or the department of business regulation to another registered compassion  
25 center.

26 (3) No principal officers, board members, agents, volunteers, or employees of a registered  
27 compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in any manner,  
28 or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by  
29 a business, occupational, or professional licensing board or entity, solely for working for or with a  
30 compassion center to engage in acts permitted by this section.

31 (4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or  
32 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,  
33 termination, or loss of employee or pension benefits, for any and all conduct that occurs within the  
34 scope of his or her employment regarding the administration, execution and/or enforcement of this

1 act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

2 (i) Prohibitions:

3 (1) A compassion center must limit its inventory of seedlings, plants, and usable marijuana  
4 to reflect the projected needs of qualifying patients;

5 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a  
6 person other than a ~~qualifying~~ patient cardholder or to such patient's primary caregiver or  
7 authorized purchaser;

8 (3) A person found to have violated paragraph (2) of this subsection may not be an  
9 employee, agent, volunteer, principal officer, or board member of any compassion center;

10 (4) An employee, agent, volunteer, principal officer or board member of any compassion  
11 center found in violation of paragraph (2) shall have his or her registry identification revoked  
12 immediately; and

13 (5) No person who has been convicted of a felony drug offense or has entered a plea of  
14 nolo contendere for a felony drug offense with a sentence or probation may be the principal officer,  
15 board member, agent, volunteer, or employee of a compassion center unless the department has  
16 determined that the person's conviction was for the medical use of marijuana or assisting with the  
17 medical use of marijuana in accordance with the terms and conditions of this chapter. A person  
18 who is employed by or is an agent, volunteer, principal officer, or board member of a compassion  
19 center in violation of this section is guilty of a civil violation punishable by a fine of up to one  
20 thousand dollars (\$1,000). A subsequent violation of this section is a misdemeanor.

21 (j) Legislative oversight committee:

22 (1) The general assembly shall appoint a nine-member (9) oversight committee comprised  
23 of: one member of the house of representatives; one member of the senate; one physician to be  
24 selected from a list provided by the Rhode Island medical society; one nurse to be selected from a  
25 list provided by the Rhode Island state nurses association; two (2) registered qualifying patients;  
26 one registered primary caregiver; one patient advocate to be selected from a list provided by the  
27 Rhode Island patient advocacy coalition; and the superintendent of the department of public safety,  
28 or his/her designee.

29 (2) The oversight committee shall meet at least six (6) times per year for the purpose of  
30 evaluating and making recommendations to the general assembly regarding:

31 (i) Patients' access to medical marijuana;

32 (ii) Efficacy of compassion centers;

33 (iii) Physician participation in the Medical Marijuana Program;

34 (iv) The definition of qualifying medical condition; and

1 (v) Research studies regarding health effects of medical marijuana for patients.

2 (3) On or before January 1 of every even numbered year, the oversight committee shall  
3 report to the general assembly on its findings.

4 SECTION 2. Chapter 21-28.6 of the General Laws entitled "The Edward O. Hawkins and  
5 Thomas C. Slater Medical Marijuana Act" is hereby amended by adding thereto the following  
6 section:

7 **21-28.6-16.2. Medical marijuana testing laboratories -- Immunity.**

8 (a) No medical marijuana laboratory shall be subject to prosecution; search (except by the  
9 departments pursuant to regulations); seizure; or penalty in any manner, or denied any right or  
10 privilege, including, but not limited to, civil penalty or disciplinary action by a business,  
11 occupational, or professional licensing board or entity, solely for acting in accordance with the act  
12 and regulations promulgated hereunder to assist licensees.

13 (b) No medical marijuana testing laboratory shall be subject to prosecution, search (except  
14 by the departments pursuant to regulations), seizure, or penalty in any manner, or denied any right  
15 or privilege, including, but not limited to, civil penalty or disciplinary action, by a business,  
16 occupational, or professional licensing board or entity, for selling, giving, or distributing marijuana  
17 in whatever form, and within the limits established by, the department of health to another medical  
18 marijuana testing laboratory.

19 (c) No principal officers, board members, agents, volunteers, or employees of a medical  
20 marijuana testing laboratory shall be subject to arrest, prosecution, search, seizure, or penalty in  
21 any manner, or denied any right or privilege, including, but not limited to, civil penalty or  
22 disciplinary action by a business, occupational, or professional licensing board or entity, solely for  
23 working for or with a medical marijuana testing laboratory to engage in acts permitted by the act  
24 and the regulations promulgated hereunder.

25 (d) No state employee shall be subject to arrest, prosecution or penalty in any manner, or  
26 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,  
27 termination, or loss of employee or pension benefits, for any and all conduct that occurs within the  
28 scope of his or her employment regarding the administration, execution and/or enforcement of this  
29 act, and the provisions of §§ 9-31-8 and 20 9-31-9 shall be applicable to this section.

30 SECTION 3. Section 21-28.6-6.1 of the General Laws in Chapter 21-28.6 entitled "The  
31 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby repealed.

32 ~~**21-28.6-6.1. Administration of regulations.**~~

33 ~~(a) The department of health shall issue registry identification cards to qualifying patients~~  
34 ~~who submit the following, in accordance with the department's regulations:~~

- 1 ~~(1) Written certification as defined in § 21-28.6-3(24) of this chapter;~~
- 2 ~~(2) Application or renewal fee;~~
- 3 ~~(3) Name, address, and date of birth of the qualifying patient; provided, however, that if~~  
4 ~~the patient is homeless, no address is required;~~
- 5 ~~(4) Name, address, and telephone number of the qualifying patient's practitioner;~~
- 6 ~~(5) Name, address, and date of birth of each primary caregiver of the qualifying patient, if~~  
7 ~~any.~~
- 8 ~~(b) The department of health shall not issue a registry identification card to a qualifying~~  
9 ~~patient under the age of eighteen (18) unless:~~
- 10 ~~(1) The qualifying patient's practitioner has explained the potential risks and benefits of the~~  
11 ~~medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal~~  
12 ~~custody of the qualifying patient; and~~
- 13 ~~(2) A parent, guardian, or person having legal custody consents in writing to:~~
- 14 ~~(i) Allow the qualifying patient's medical use of marijuana;~~
- 15 ~~(ii) Serve as one of the qualifying patient's primary caregivers; and~~
- 16 ~~(iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical~~  
17 ~~use of marijuana by the qualifying patient.~~
- 18 ~~(c) The department shall not issue a registry identification card to a qualifying patient~~  
19 ~~seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).~~
- 20 ~~(d) The department shall verify the information contained in an application or renewal~~  
21 ~~submitted pursuant to this section, and shall approve or deny an application or renewal within~~  
22 ~~fifteen (15) days of receiving it. The department may deny an application or renewal only if the~~  
23 ~~applicant did not provide the information required pursuant to this section, or if the department~~  
24 ~~determines that the information provided was falsified. Rejection of an application or renewal is~~  
25 ~~considered a final department action, subject to judicial review. Jurisdiction and venue for judicial~~  
26 ~~review are vested in the superior court.~~
- 27 ~~(e) If the qualifying patient's practitioner notifies the department in a written statement that~~  
28 ~~the qualifying patient is eligible for hospice care, the department shall verify the application~~  
29 ~~information in accordance with subsection (d) and issue a registry identification card to the~~  
30 ~~qualifying patient and primary caregivers named in the patient's application within seventy two~~  
31 ~~(72) hours of receipt of the completed application. The department shall not charge a registration~~  
32 ~~fee to the patient or caregivers named in the application.~~
- 33 ~~(f) The department shall issue a registry identification card to each primary caregiver, if~~  
34 ~~any, who is named in a qualifying patient's approved application, up to a maximum of two (2)~~

1 ~~primary caregivers per qualifying patient.~~

2 ~~(1) The primary caregiver applicant shall apply to the bureau of criminal identification of~~  
3 ~~the department of attorney general, state police, or local police department for a national criminal~~  
4 ~~records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon~~  
5 ~~the discovery of any disqualifying information as defined in subdivision (f)(4), and in accordance~~  
6 ~~with the rules promulgated by the director, the bureau of criminal identification of the department~~  
7 ~~of attorney general, state police, or the local police department shall inform the applicant, in writing,~~  
8 ~~of the nature of the disqualifying information; and, without disclosing the nature of the~~  
9 ~~disqualifying information, shall notify the department, in writing, that disqualifying information~~  
10 ~~has been discovered.~~

11 ~~(2) In those situations in which no disqualifying information has been found, the bureau of~~  
12 ~~criminal identification of the department of attorney general, state police, or the local police shall~~  
13 ~~inform the applicant and the department, in writing, of this fact.~~

14 ~~(3) The department shall maintain on file evidence that a criminal records check has been~~  
15 ~~initiated on all applicants seeking a primary caregiver registry identification card and the results of~~  
16 ~~the checks. The primary caregiver cardholder shall not be required to apply for a national criminal~~  
17 ~~records check for each patient he or she is connected to through the department's registration~~  
18 ~~process, provided that he or she has applied for a national criminal records check within the~~  
19 ~~previous two (2) years in accordance with this chapter. The department shall not require a primary~~  
20 ~~caregiver cardholder to apply for a national criminal records check more than once every two (2)~~  
21 ~~years.~~

22 ~~(4) Information produced by a national criminal records check pertaining to a conviction~~  
23 ~~for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"),~~  
24 ~~murder, manslaughter, rape, first degree sexual assault, second degree sexual assault, first degree~~  
25 ~~child molestation, second degree child molestation, kidnapping, first degree arson, second degree~~  
26 ~~arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault~~  
27 ~~or battery involving grave bodily injury, and/or assault with intent to commit any offense~~  
28 ~~punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the~~  
29 ~~applicant and the department disqualifying the applicant. If disqualifying information has been~~  
30 ~~found, the department may use its discretion to issue a primary caregiver registry identification card~~  
31 ~~if the applicant's connected patient is an immediate family member and the card is restricted to that~~  
32 ~~patient only.~~

33 ~~(5) The primary caregiver applicant shall be responsible for any expense associated with~~  
34 ~~the national criminal records check.~~

1           ~~(6) For purposes of this section "conviction" means, in addition to judgments of conviction~~  
2 ~~entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the~~  
3 ~~defendant has entered a plea of nolo contendere and has received a sentence of probation and those~~  
4 ~~instances where a defendant has entered into a deferred sentence agreement with the attorney~~  
5 ~~general.~~

6           ~~(g) The department shall issue registry identification cards within five (5) days of~~  
7 ~~approving an application or renewal that shall expire two (2) years after the date of issuance.~~

8 ~~Registry identification cards shall contain:~~

9           ~~(1) The date of issuance and expiration date of the registry identification card;~~

10          ~~(2) A random registry identification number;~~

11          ~~(3) A photograph; and~~

12          ~~(4) Any additional information as required by regulation or the department.~~

13          ~~(h) Persons issued registry identification cards shall be subject to the following:~~

14          ~~(1) A patient cardholder shall notify the department of any change in the patient~~  
15 ~~cardholder's name, address, or primary caregiver; or if he or she ceases to have his or her~~  
16 ~~debilitating medical condition, within ten (10) days of such change.~~

17          ~~(2) A patient cardholder who fails to notify the department of any of these changes is~~  
18 ~~responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars~~  
19 ~~(\$150). If the patient cardholder has ceased to suffer from a debilitating medical condition, the card~~  
20 ~~shall be deemed null and void and the person shall be liable for any other penalties that may apply~~  
21 ~~to the person's nonmedical use of marijuana.~~

22          ~~(3) A primary caregiver cardholder or compassion center cardholder shall notify the~~  
23 ~~department of any change in his or her name or address within ten (10) days of such change. A~~  
24 ~~primary caregiver cardholder or compassion center cardholder who fails to notify the department~~  
25 ~~of any of these changes is responsible for a civil infraction, punishable by a fine of no more than~~  
26 ~~one hundred fifty dollars (\$150).~~

27          ~~(4) When a patient cardholder or primary caregiver cardholder notifies the department of~~  
28 ~~any changes listed in this subsection, the department shall issue the patient cardholder and each~~  
29 ~~primary caregiver cardholder a new registry identification card within ten (10) days of receiving~~  
30 ~~the updated information and a ten dollar (\$10.00) fee. When a compassion center cardholder~~  
31 ~~notifies the department of any changes listed in this subsection, the department shall issue the~~  
32 ~~cardholder a new registry identification card within ten (10) days of receiving the updated~~  
33 ~~information and a ten dollar (\$10.00) fee.~~

34          ~~(5) When a patient cardholder changes his or her primary caregiver, the department shall~~

1 ~~notify the primary caregiver cardholder within ten (10) days. The primary caregiver cardholder's~~  
2 ~~protections, as provided in this chapter as to that patient, shall expire ten (10) days after notification~~  
3 ~~by the department. If the primary caregiver cardholder is connected to no other patient cardholders~~  
4 ~~in the program, he or she must return his or her registry identification card to the department.~~

5 ~~(6) If a cardholder loses his or her registry identification card, he or she shall notify the~~  
6 ~~department and submit a ten-dollar (\$10.00) fee within ten (10) days of losing the card. Within five~~  
7 ~~(5) days, the department shall issue a new registry identification card with new, random~~  
8 ~~identification number.~~

9 ~~(7) If a cardholder willfully violates any provision of this chapter as determined by the~~  
10 ~~department, his or her registry identification card may be revoked.~~

11 ~~(i) Possession of, or application for, a registry identification card shall not constitute~~  
12 ~~probable cause or reasonable suspicion, nor shall it be used to support the search of the person or~~  
13 ~~property of the person possessing or applying for the registry identification card, or otherwise~~  
14 ~~subject the person or property of the person to inspection by any governmental agency.~~

15 ~~(j)(1) Applications and supporting information submitted by qualifying patients, including~~  
16 ~~information regarding their primary caregivers and practitioners, are confidential and protected~~  
17 ~~under the federal Health Insurance Portability and Accountability Act of 1996, and shall be exempt~~  
18 ~~from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public records act) and~~  
19 ~~not subject to disclosure, except to authorized employees of the department as necessary to perform~~  
20 ~~official duties of the department, and pursuant to subsection (k) of this section.~~

21 ~~(2) The application for qualifying patient's registry identification card shall include a~~  
22 ~~question asking whether the patient would like the department to notify him or her of any clinical~~  
23 ~~studies about marijuana's risk or efficacy. The department shall inform those patients who answer~~  
24 ~~in the affirmative of any such studies it is notified of that will be conducted in Rhode Island. The~~  
25 ~~department may also notify those patients of medical studies conducted outside of Rhode Island.~~

26 ~~(3) The department shall maintain a confidential list of the persons to whom the department~~  
27 ~~has issued registry identification cards. Individual names and other identifying information on the~~  
28 ~~list shall be confidential, exempt from the provisions of Rhode Island access to public information,~~  
29 ~~chapter 2 of title 38, and not subject to disclosure, except to authorized employees of the department~~  
30 ~~as necessary to perform official duties of the department.~~

31 ~~(k) Notwithstanding subsection (j) of this section, the department shall verify to law~~  
32 ~~enforcement personnel whether a registry identification card is valid solely by confirming the~~  
33 ~~random registry identification number or name.~~

34 ~~(l) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one~~

1 ~~thousand dollar (\$1,000) fine, for any person, including an employee or official of the department~~  
2 ~~or another state agency or local government, to breach the confidentiality of information obtained~~  
3 ~~pursuant to this chapter. Notwithstanding this provision, the department employees may notify law~~  
4 ~~enforcement about falsified or fraudulent information submitted to the department.~~

5 ~~(m) On or before January 1 of each odd-numbered year, the department shall report to the~~  
6 ~~house committee on health, education and welfare and to the senate committee on health and human~~  
7 ~~services on the use of marijuana for symptom relief. The report shall provide:~~

8 ~~(1) The number of applications for registry identification cards, the number of qualifying~~  
9 ~~patients and primary caregivers approved, the nature of the debilitating medical conditions of the~~  
10 ~~qualifying patients, the number of registry identification cards revoked, and the number of~~  
11 ~~practitioners providing written certification for qualifying patients;~~

12 ~~(2) An evaluation of the costs permitting the use of marijuana for symptom relief, including~~  
13 ~~any costs to law enforcement agencies and costs of any litigation;~~

14 ~~(3) Statistics regarding the number of marijuana-related prosecutions against registered~~  
15 ~~patients and caregivers, and an analysis of the facts underlying those prosecutions;~~

16 ~~(4) Statistics regarding the number of prosecutions against physicians for violations of this~~  
17 ~~chapter; and~~

18 ~~(5) Whether the United States Food and Drug Administration has altered its position~~  
19 ~~regarding the use of marijuana for medical purposes or has approved alternative delivery systems~~  
20 ~~for marijuana.~~

21 SECTION 4. This Article shall take effect upon passage.

**ARTICLE 15 AS AMENDED**

RELATING TO CHILDREN AND FAMILIES

SECTION 1. Sections 14-1-3, 14-1-6 and 14-1-11.1 of the General Laws in Chapter 14-1 entitled "Proceedings in Family Court" are hereby amended to read as follows:

**14-1-3. Definitions.**

The following words and phrases when used in this chapter shall, unless the context otherwise requires, be construed as follows:

(1) "Adult" means a person eighteen (18) years of age or older, except that "adult" includes any person seventeen (17) years of age or older who is charged with a delinquent offense involving murder, first-degree sexual assault, first-degree child molestation, or assault with intent to commit murder, and that person shall not be subject to the jurisdiction of the family court as set forth in §§ 14-1-5 and 14-1-6 if, after a hearing, the family court determines that probable cause exists to believe that the offense charged has been committed and that the person charged has committed the offense.

(2) "Appropriate person", as used in §§ 14-1-10 and 14-1-11, except in matters relating to adoptions and child marriages, means and includes:

- (i) Any police official of this state, or of any city or town within this state;
- (ii) Any duly qualified prosecuting officer of this state, or of any city or town within this state;
- (iii) Any director of public welfare of any city or town within this state, or his or her duly authorized subordinate;
- (iv) Any truant officer or other school official of any city or town within this state;
- (v) Any duly authorized representative of any public or duly licensed private agency or institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or
- (vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those cases in which one parent is deceased, is an unfit and improper person to have custody of any child or children.

(3) "Child" means a person under eighteen (18) years of age.

(4) "The court" means the family court of the state of Rhode Island.

(5) "Delinquent", when applied to a child, means and includes any child who has committed

1 any offense that, if committed by an adult, would constitute a felony, or who has on more than one  
2 occasion violated any of the other laws of the state or of the United States or any of the ordinances  
3 of cities and towns, other than ordinances relating to the operation of motor vehicles.

4 (6) "Dependent" means any child who requires the protection and assistance of the court  
5 when his or her physical or mental health or welfare is harmed, or threatened with harm, due to the  
6 inability of the parent or guardian, through no fault of the parent or guardian, to provide the child  
7 with a minimum degree of care or proper supervision because of:

8 (i) The death or illness of a parent; or

9 (ii) The special medical, educational, or social-service needs of the child which the parent  
10 is unable to provide.

11 (7) "Justice" means a justice of the family court.

12 (8) "Neglect" means a child who requires the protection and assistance of the court when  
13 his or her physical or mental health or welfare is harmed, or threatened with harm, when the parents  
14 or guardian:

15 (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though  
16 financially able to do so or offered financial or other reasonable means to do so;

17 (ii) Fails to provide the child proper education as required by law; or

18 (iii) Abandons and/or deserts the child.

19 (9) "Wayward", when applied to a child, means and includes any child:

20 (i) Who has deserted his or her home without good or sufficient cause;

21 (ii) Who habitually associates with dissolute, vicious, or immoral persons;

22 (iii) Who is leading an immoral or vicious life;

23 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her  
24 parent or parents, guardian, or other lawful custodian;

25 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually  
26 absents himself or herself from school or habitually violates the rules and regulations of the school  
27 when he or she attends;

28 (vi) Who has, on any occasion, violated any of the laws of the state or of the United States  
29 or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor  
30 vehicles; or

31 (vii) Any child under seventeen (17) years of age who is in possession of one ounce (1 oz.)  
32 or less of marijuana, as defined in § 21-28-1.02, and who is not exempted from the penalties  
33 pursuant to chapter 28.6 of title 21.

34 (10) "Young adult" means an individual who has attained the age of eighteen (18) years but

1 has not reached the age of twenty-one (21) years and was in the legal custody of the department on  
2 their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or was a former  
3 foster child who was adopted or placed in a guardianship after attaining age sixteen (16).

4 (11) "Voluntary placement agreement for extension of care" means a written agreement  
5 between the state agency and a young adult who meets the eligibility conditions specified in §14-  
6 1-6(c), acting as their own legal guardian that is binding on the parties to the agreement. At a  
7 minimum, the agreement recognizes the voluntary nature of the agreement, the legal status of the  
8 young adult and the rights and obligations of the young adult, as well as the services and supports  
9 the agency agrees to provide during the time that the young adult consents to giving the department  
10 legal responsibility for care and placement.

11 (12) "Supervised independent living setting" means a supervised setting in which a young  
12 adult is living independently, that meets any safety and or licensing requirements established by  
13 the department for this population, and is paired with a supervising agency or a supervising worker,  
14 including, but not limited to, single or shared apartments or houses, host homes, relatives' and  
15 mentors' homes, college dormitories or other post-secondary educational or vocational housing. All  
16 or part of the financial assistance that secures an independent supervised setting for a young adult  
17 may be paid directly to the young adult if there is no provider or other child placing intermediary,  
18 or to a landlord, a college, or to a supervising agency, or to other third parties on behalf of the  
19 young adult in the discretion of the department.

20 ~~(10)~~ (13) The singular shall be construed to include the plural, the plural the singular, and  
21 the masculine the feminine, when consistent with the intent of this chapter.

22 ~~(11)~~ (14) For the purposes of this chapter, "electronic surveillance and monitoring devices"  
23 means any "radio frequency identification device (RFID)" or "global positioning device" that is  
24 either tethered to a person or is intended to be kept with a person and is used for the purposes of  
25 tracking the whereabouts of that person within the community.

26 **14-1-6. Retention of jurisdiction.**

27 (a) When the court shall have obtained jurisdiction over any child prior to the child having  
28 attained the age of eighteen (18) years by the filing of a petition alleging that the child is wayward  
29 or delinquent pursuant to § 14-1-5, the child shall, except as specifically provided in this chapter,  
30 continue under the jurisdiction of the court until he or she becomes nineteen (19) years of age,  
31 unless discharged prior to turning nineteen (19).

32 (b) When the court shall have obtained jurisdiction over any child prior to the child's  
33 eighteenth (18th) birthday by the filing of a miscellaneous petition or a petition alleging that the  
34 child is dependent, neglected, ~~and~~ or abused pursuant to §§ 14-1-5 and 40-11-7 or 42-72-14,

1 ~~including any child under the jurisdiction of the family court on petitions filed and/or pending~~  
2 ~~before the court prior to July 1, 2007,~~ the child shall, except as specifically provided in this chapter,  
3 continue under the jurisdiction of the court until he or she becomes eighteen (18) years of age;  
4 provided, that at least six (6) months prior to a child turning eighteen (18) years of age, the court  
5 shall require the department of children, youth and families to provide a description of the transition  
6 services including the child's housing, health insurance, education and/or employment plan,  
7 available mentors and continuing support services, including workforce supports and employment  
8 services afforded the child in placement or a detailed explanation as to the reason those services  
9 were not offered. As part of the transition planning, the child shall be informed by the department  
10 of the opportunity to voluntarily agree to extended care and placement by the department and legal  
11 supervision by the court until age twenty-one (21). The details of a child's transition plan shall be  
12 developed in consultation with the child, wherever possible, and approved by the court prior to the  
13 dismissal of an abuse, neglect, dependency, or miscellaneous petition before the child's twenty-first  
14 birthday.

15 (c) A child, who is in foster care on their eighteenth birthday due to the filing of a  
16 miscellaneous petition or a petition alleging that the child is dependent, neglected, or abused  
17 pursuant to §§14-1-5, 40-11-7 or 42-72-14 may voluntarily elect to continue responsibility for care  
18 and placement from DCYF and to remain under the legal supervision of the court as a young adult  
19 until age twenty-one (21), provided:

20 (1) The young adult was in the legal custody of the department at age eighteen (18); or

21 (2) The young adult is participating in at least one of the following:

22 (i) Completing the requirements to receive a high school diploma or GED;

23 (ii) Completing a secondary education or a program leading to an equivalent credential;  
24 enrolled in an institution that provides post-secondary or vocational education;

25 (iii) Participating in a job training program or an activity designed to promote or remove  
26 barriers to employment;

27 (iv) Be employed for at least eighty (80) hours per month; or

28 (v) Incapable of doing any of the foregoing due to a medical condition that is regularly  
29 updated and documented in the case plan;

30 (d) A former foster child who was adopted or placed in guardianship with an adoption  
31 assistance agreement or a guardianship assistance agreement that was executed on or after his or  
32 her sixteenth birthday and prior to his or her eighteenth birthday may voluntarily agree to extended  
33 care and placement by the department and legal supervision by the court until age twenty-one (21)  
34 if the young adult satisfies the requirements in § 14-1-6(c)(2). Provided, however, the department

1 retains the right to review the request and first attempt to address the issues through the adoption  
2 assistance agreement by providing post adoptive or post guardianship support services to the young  
3 adult and his or her adoptive or guardianship family.

4 (e) Upon the request of the young adult, who voluntarily agreed to the extension of care  
5 and placement by the department and legal supervision by the court, pursuant to subsections (c)  
6 and (d) of this section, the court's legal supervision and the department's responsibility for care and  
7 placement may be terminated. Provided, however, the young adult may request reinstatement of  
8 responsibility and resumption of the court's legal supervision at any time prior to their twenty-first  
9 birthday if the young adult meets the requirements set forth in §14-1-6(c)(3). If the department  
10 wishes to terminate the court's legal supervision and its responsibility for care and placement, it  
11 may file a motion for good cause. The court may exercise its discretion to terminate legal  
12 supervision over the young adult at any time.

13 ~~(f)~~ (f) The court may retain jurisdiction of any child who is seriously emotionally disturbed  
14 or developmentally delayed pursuant to § 42-72-5(b)(24)(v) until that child turns age twenty-one  
15 (21) when the court shall have obtained jurisdiction over any child prior to the child's eighteenth  
16 birthday by the filing of a miscellaneous petition or a petition alleging that the child is dependent,  
17 neglected and or abused pursuant to §§ 14-1-5, and 40-11-7, or 42-72-14.

18 ~~(g)~~ (g) The department of children, youth and families shall work collaboratively with the  
19 department of behavioral healthcare, developmental disabilities and hospitals, and other agencies,  
20 in accordance with § 14-1-59, to provide the family court with a transition plan for those individuals  
21 who come under the court's jurisdiction pursuant to a petition alleging that the child is dependent,  
22 neglected, and/or abused and who are seriously emotionally disturbed or developmentally delayed  
23 pursuant to § 42-72-5(b)(24)(v). This plan shall be a joint plan presented to the court by the  
24 department of children, youth and families and the department of behavioral healthcare,  
25 developmental disabilities and hospitals. The plan shall include the behavioral healthcare,  
26 developmental disabilities and hospitals' community or residential service level, health insurance  
27 option, education plan, available mentors, continuing support services, workforce supports and  
28 employment services, and the plan shall be provided to the court at least twelve (12) months prior  
29 to discharge. At least three (3) months prior to discharge, the plan shall identify the specific  
30 placement for the child, if a residential placement is needed. The court shall monitor the transition  
31 plan. In the instance where the department of behavioral healthcare, developmental disabilities and  
32 hospitals has not made timely referrals to appropriate placements and services, the department of  
33 children, youth and families may initiate referrals.

34 ~~(h)~~ (h) The parent and/or guardian and/or guardian ad litem of a child who is seriously

1 emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v), and who is  
2 before the court pursuant to §§ 14-1-5(1)(iii) through 14-1-5(1)(v), 40-11-7 or 42-72-14, shall be  
3 entitled to a transition hearing, as needed, when the child reaches the age of twenty (20) if no  
4 appropriate transition plan has been submitted to the court by the department of children, person  
5 and families and the department of behavioral healthcare, developmental disabilities and hospitals.  
6 The family court shall require that the department of behavioral healthcare, developmental  
7 disabilities, and hospitals shall immediately identify a liaison to work with the department of  
8 children, youth, and families until the child reaches the age of twenty-one (21) and an immediate  
9 transition plan be submitted if the following facts are found:

10 (1) No suitable transition plan has been presented to the court addressing the levels of  
11 service appropriate to meet the needs of the child as identified by the department of behavioral  
12 healthcare, developmental disabilities and hospitals; or

13 (2) No suitable housing options, health insurance, educational plan, available mentors,  
14 continuing support services, workforce supports, and employment services have been identified for  
15 the child.

16 ~~(e) Provided, further, that any youth who comes within the jurisdiction of the court by the~~  
17 ~~filing of a wayward or delinquent petition based upon an offense that was committed prior to July~~  
18 ~~1, 2007, including youth who are adjudicated and committed to the Rhode Island training school~~  
19 ~~and who are placed in a temporary community placement as authorized by the family court, may~~  
20 ~~continue under the jurisdiction of the court until he or she turns twenty one (21) years of age.~~

21 ~~(f)~~ (i) In any case where the court shall not have acquired jurisdiction over any person prior  
22 to the person's eighteenth (18th) birthday by the filing of a petition alleging that the person had  
23 committed an offense, but a petition alleging that the person had committed an offense that would  
24 be punishable as a felony if committed by an adult has been filed before that person attains the age  
25 of nineteen (19) years of age, that person shall, except as specifically provided in this chapter, be  
26 subject to the jurisdiction of the court until he or she becomes nineteen (19) years of age, unless  
27 discharged prior to turning nineteen (19).

28 ~~(g)~~ (j) In any case where the court shall not have acquired jurisdiction over any person prior  
29 to the person attaining the age of nineteen (19) years by the filing of a petition alleging that the  
30 person had committed an offense prior to the person attaining the age of eighteen (18) years which  
31 would be punishable as a felony if committed by an adult, that person shall be referred to the court  
32 that had jurisdiction over the offense if it had been committed by an adult. The court shall have  
33 jurisdiction to try that person for the offense committed prior to the person attaining the age of  
34 eighteen (18) years and, upon conviction, may impose a sentence not exceeding the maximum

1 penalty provided for the conviction of that offense.

2 ~~(k)~~ (k) In any case where the court has certified and adjudicated a child in accordance with  
3 the provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the power  
4 and authority to sentence the child to a period in excess of the age of nineteen (19) years. However,  
5 in no case shall the sentence be in excess of the maximum penalty provided by statute for the  
6 conviction of the offense.

7 ~~(l)~~ (l) Nothing in this section shall be construed to affect the jurisdiction of other courts  
8 over offenses committed by any person after he or she reaches the age of eighteen (18) years.

9 **14-1-11.1. Commitment of voluntary placements.**

10 (a) The department of children, youth, and families shall petition the family court and  
11 request the care, custody, and control of any child who is voluntarily placed with the department  
12 for the purpose of foster care by a parent or other person previously having custody and who  
13 remains in foster care for a period of twelve (12) months. However, there shall be no requirement  
14 for the department to seek custody of any child with an emotional, behavioral or mental disorder  
15 or developmental or physical disability if the child is voluntarily placed with the department by a  
16 parent or guardian of the child for the purpose of accessing an out-of-home program for the child  
17 in a program which provides services for children with disabilities, including, but not limited to,  
18 residential treatment programs, residential counseling centers, and therapeutic foster care  
19 programs.

20 (b) In a hearing on a petition alleging that a child is dependent, competent and creditable  
21 evidence that the child has remained in foster care for a period of twelve (12) months shall  
22 constitute prima facie evidence sufficient to support the finding by the court that the child is  
23 "dependent" in accordance with § 14-1-3.

24 (c) In those cases where a young adult who meets the eligibility criteria in §14-1-6(c)  
25 wishes to continue in foster care after age eighteen (18), the young adult and an authorized  
26 representative of DCYF shall, before the youth reaches age eighteen (18), discuss the terms of a  
27 voluntary placement agreement for extension of care to be executed upon or after the young adult's  
28 eighteenth birthday.

29 (d) In those cases where a young adult who meets the eligibility criteria in §14-1-6(c) exits  
30 foster care at or after age eighteen (18), but wishes to return to foster care before age twenty-one  
31 (21), DCYF shall file a petition for legal supervision of the young adult, with a voluntary placement  
32 agreement for extension of care, executed by the young adult and an authorized representative of  
33 DCYF attached.

34 SECTION 2. Section 40-11-14 of the General Laws in Chapter 40-11 entitled "Abused and

1 Neglected Children" is hereby amended to read as follows:

2 **40-11-14. Right to representation in court proceedings.**

3 (a) Any child who is alleged to be abused or neglected as a subject of a petition filed in  
4 family court under this chapter, shall have a guardian ad litem appointed by the court to represent  
5 this child. In addition, any young adult, who is eligible for extended foster care pursuant to §14-1-  
6 6(c) and who has executed a voluntary agreement for extension of care may request the appointment  
7 of guardian ad litem or court-appointed counsel. An appointment shall be in the discretion of the  
8 court. The cost of counsel in those instances shall be paid by the state.

9 (b) A volunteer court-appointed special advocate may be assigned to assist the guardian ad  
10 litem, in the court-appointed special advocate's office (CASA):

11 (1) In order to assist the family court with the ability to ensure that these volunteers, whose  
12 activity involves routine contact with minors, are of good moral character, all persons seeking to  
13 volunteer for CASA shall be required to undergo a national criminal records check for the purpose  
14 of determining whether the prospective volunteer has been convicted of any crime.

15 (i) A national criminal records check shall include fingerprints submitted to the Federal  
16 Bureau of Investigation (FBI) by the department of children, youth and families (DCYF) for a  
17 national criminal records check. The national criminal records check shall be processed prior to the  
18 commencement of volunteer activity.

19 (ii) For the purposes of this section, "conviction" means, in addition to judgments of  
20 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances  
21 where the defendant has entered a plea of nolo contendere and has received a sentence of probation  
22 and that sentence has not expired and those instances where a defendant has entered into a deferred  
23 sentence agreement with the attorney general.

24 (iii) For the purposes of this section, "disqualifying information" means information  
25 produced by a national criminal records check pertaining to conviction for the offenses designated  
26 as "disqualifying information" pursuant to DCYF policy.

27 (iv) The department of children, youth and families (DCYF) shall inform the applicant, in  
28 writing, of the nature of the disqualifying information; and, without disclosing the nature of the  
29 disqualifying information, shall notify the family court, in writing, that disqualifying information  
30 has been discovered.

31 (v) In those situations in which no disqualifying information has been found, DCYF shall  
32 inform the applicant and the family court, in writing, of this fact.

33 (vi) The family court shall maintain on file evidence that national criminal records checks  
34 have completed on all volunteer court-appointed special advocates.

1 (vii) The criminal record check shall be conducted without charge to the prospective CASA  
2 volunteers. At the conclusion of the background check required pursuant to this section, DCYF  
3 shall promptly destroy the fingerprint record of the applicant obtained pursuant to this chapter.

4 (2) All persons seeking to volunteer for CASA must submit a satisfactory DCYF clearance  
5 and participate in a program of training offered by the CASA office.

6 (c) If the parent or other person responsible for the child's care is financially unable to  
7 engage counsel as determined by the court, the court may, at the request of that person, and in its  
8 discretion, appoint the public defender, or other counsel, to represent the person. The cost of other  
9 counsel in those instances shall be paid by the state. In every court proceeding under this chapter  
10 in which it is a party, the department shall be represented by its legal counsel.

11 SECTION 3. Chapter 40-11 of the General Laws entitled "Abused and Neglected Children"  
12 is hereby amended by adding thereto the following section:

13 **40-11-12.5. Review of young adults under the court's legal supervision and receiving**  
14 **care and placement services from DCYF.**

15 (a) In the case of a young adult, between the ages of eighteen (18) and twenty-one (21),  
16 who has executed a voluntary placement agreement for continued care and placement responsibility  
17 from the department and for legal supervision of the court, the permanency plan shall document  
18 the reasonable efforts made by the department and the young adult to finalize a permanency plan  
19 that addresses the goal of preparing the young adult for independence and successful adulthood.  
20 This includes, but is not limited to, housing assistance to obtain supervised independent living  
21 arrangements, shared living arrangements or extended foster and kinship care: education,  
22 vocational assessment, job training and employment plan needed to transition the young adult to  
23 self-sufficiency: assisting the young adult in obtaining educational goals: a job,  
24 employment/vocational skills: any other services and supports that will assist the young adult in  
25 accessing available services; applying for public benefits; acquiring important documents, such as  
26 ID card, driver's license, birth certificate, social security card, health insurance cards, medical  
27 records; attending to physical and mental health needs; maintaining relationships with individuals  
28 who are important to them and acquiring information about siblings and other maternal and paternal  
29 relatives.

30 (b) Initial judicial determination - The department must petition the court to make a  
31 determination whether remaining in foster care is in the young adult's best interests.

32 The court must make a determination within one hundred eighty (180) days of the signing  
33 of the voluntary placement agreement whether remaining in foster care is in the young adult's best  
34 interest.

1           (c) The court shall conduct a permanency hearing within one year after the young adult and  
2 the department execute a voluntary placement agreement and annually thereafter. At the  
3 permanency hearing, the department shall present a written case plan to the court for approval that  
4 details the necessary services, care and placement the young adult shall receive to assist the  
5 transition to independence and successful adulthood.

6           The court must determine whether the department has made reasonable efforts to finalize  
7 a permanency goal of preparing the young adult for successful transition to independence.

8           (d) Notice of the court hearings shall be served by the department upon all parties in  
9 interest in accordance with the rules of child welfare procedure of the family court.

10           (e) Periodic formal reviews, shall be held not less than once every one hundred eighty (180)  
11 days to assess the progress and case plan of any young adult under the court's legal supervision and  
12 under the care and placement responsibility of DCYF pursuant to a voluntary agreement for  
13 extension of care.

14           The permanency plan shall be reviewed by the court at least once every twelve (12) months  
15 at a permanency hearing and by the department in an administrative review within one hundred  
16 eighty (180) days after the permanency hearing. The young adult is expected to participate in case  
17 planning and periodic reviews.

18           SECTION 4. Section 42-102-10 of the General Laws in Chapter 42-102 entitled  
19 "Governor's Workforce Board Rhode Island" is hereby amended to read as follows:

20           **42-102-10. State Career-Pathways System.**

21           The workforce board ("board") shall support and oversee statewide efforts to develop and  
22 expand career pathways that enable individuals to secure employment within a specific industry or  
23 occupational sector and to advance over time to successively higher levels of education and  
24 employment in that sector. Towards this purpose, the board shall convene an advisory committee  
25 comprised of representatives from business, labor, adult education, secondary education, higher  
26 education, the department of corrections, the executive office of health and human services, the  
27 department of children, youth and families, the department of behavioral healthcare, developmental  
28 disabilities and hospitals, the office of library and information services, community-based  
29 organizations, consumers, and the public-workforce system. Included in the state career-pathways  
30 system, shall be the creation of pathways and workforce training programs to fill skill gaps and  
31 employment opportunities in the clean-energy sector.

32           SECTION 5. Sections 40-72.1-2, 42-72.1-3, and 42-72.1-6 of the General Laws in Chapter  
33 40-72.1 entitled "Licensing and Monitoring of Child Care Providers and Child-Placing Agencies"  
34 are hereby amended to read as follows:

1           **42-72.1-2. Definitions.** As used in this chapter:

2           (1) "Administrator of licensing" means the director of the licensing unit (or his/her  
3           designee) that carries out the provisions of this chapter, hereafter referred to as the "administrator".

4           (2) "Applicant" means a child-placing agency or childcare provider that applies for a  
5           license to operate.

6           (3) "Child" means any person less than eighteen (18) years of age; provided, that a child  
7           over eighteen (18) years of age who is nevertheless subject to continuing jurisdiction of the family  
8           court, pursuant to chapter 1 of title 14, or defined as emotionally disturbed according to chapter 7  
9           of title 40.1, shall be considered a child for the purposes of this chapter.

10          (4) "Childcare provider" means a person or agency, which offers residential or  
11          nonresidential care and/or treatment for a child outside of his/her natural home.

12          (5) "Child day care or child care" means daily care and/or supervision offered  
13          commercially to the public for any part of a twenty-four (24) hour day to children away from their  
14          homes.

15          (6) "Child day care center or child care center" means any person, firm, corporation,  
16          association, or agency who, on a regular or irregular basis, receives any child under the age of  
17          sixteen (16) years, for the purpose of care and/or supervision, not in a home or residence, apart  
18          from the child's parent or guardian for any part of a twenty-four (24) hour day irrespective of  
19          compensation or reward. It shall include childcare programs that are offered to employees at the  
20          worksite. It does not include nursery schools or other programs of educational services subject to  
21          approval by the commissioner of elementary and secondary education.

22          (7) "Child-placing agency" means any private or public agency, which receives children  
23          for placement into independent living arrangements, supervised apartment living, residential group  
24          care facilities, family foster homes, or adoptive homes.

25          (8) "Department" means the department of children, youth, and families (DCYF).

26          (9) "Director" means the director of the department of children, youth, and families, or the  
27          director's designee.

28          (10) "Family day care home" means any home other than the child's home in which child  
29          day care in lieu of parental care and/or supervision is offered at the same time to four (4) or more  
30          children who are not relatives of the care giver.

31          (11) "Group family day care home" means a residence occupied by an individual of at least  
32          twenty-one (21) years of age who provides care for not less than nine (9) and not more than twelve  
33          (12) children, with the assistance of one or more approved adults, for any part of a twenty-four (24)  
34          hour day. The maximum of twelve (12) children shall include children under six (6) years of age

1 who are living in the home, school-age children under the age of twelve (12) years whether they  
2 are living in the home or are received for care, and children related to the provider who are received  
3 for care. These programs shall be subject to yearly licensing as addressed in this chapter and shall  
4 comply with all applicable state and local fire, health, and zoning regulations.

5 (12) "Licensee" means any person, firm, corporation, association, or agency, which holds  
6 a valid license under this chapter.

7 (13) "Regulation" means any requirement for licensure, promulgated pursuant to this  
8 chapter having the force of law.

9 (14) "Related" means any of the following relationships, by marriage, blood or adoption,  
10 even following the death or divorce of a natural parent: parent, grandparent, brother, sister, aunt,  
11 uncle, and first cousin. In a prosecution under this chapter or of any law relating thereto, a defendant  
12 who relies for a defense upon the relationship of any child to him or herself, the defendant shall  
13 have the burden of proof as to the relationship.

14 **42-72.1-3. Powers and scope of activities.**

15 (a) The department shall issue, deny, and revoke licenses for, and monitor the operation of,  
16 facilities and programs by child placing agencies and child care providers, as defined in § 42-72.1-  
17 [2 or assess administrative penalty under the provisions of § 42-72.11 of this chapter relating to](#)  
18 [licensed child care centers, family child care homes, group family child care homes.](#)

19 (b) The department shall adopt, amend, and rescind regulations in accordance with this  
20 chapter and implement its provisions. The regulations shall be promulgated and become effective  
21 in accordance with the provisions of the Administrative Procedures Act, chapter 35 of title 42.

22 (c) The department through its licensing unit shall administer and manage the regulations  
23 pertaining to the licensing and monitoring of those agencies, and shall exercise all statutory and  
24 administrative powers necessary to carry out its functions.

25 (d) The administrator shall investigate complaints of noncompliance, and shall take  
26 licensing action as required.

27 (e) Regulations formulated pursuant to the foregoing authority shall include, but need not  
28 be limited to, the following:

- 29 (1) Financial, administrative and organizational ability, and stability of the applicant;
- 30 (2) Compliance with specific fire and safety codes and health regulations;
- 31 (3) Character, health suitability, qualifications of child care providers;
- 32 (4) Staff/child ratios and workload assignments of staff providing care or supervision to  
33 children;
- 34 (5) Type and content of records or documents that must be maintained to collect and retain

1 information for the planning and caring for children;

2 (6) Procedures and practices regarding basic child care and placing services to ensure  
3 protection to the child regarding the manner and appropriateness of placement;

4 (7) Service to families of children in care;

5 (8) Program activities, including components related to physical growth, social, emotional,  
6 educational, and recreational activities, social services and habilitative or rehabilitative treatment;

7 (9) Investigation of previous employment, criminal record check and department records  
8 check; and

9 (10) Immunization and testing requirements for communicable diseases, including, but not  
10 limited to, tuberculosis, of child care providers and children at any child day-care center or family  
11 day-care home as is specified in regulations promulgated by the director of the department of health.  
12 Notwithstanding the foregoing, all licensing and monitoring authority shall remain with the  
13 department of children, youth, and families.

14 (f) The administrator may:

15 (1) Prescribe any forms for reports, statements, notices, and other documents deemed  
16 necessary;

17 (2) Prepare and publish manuals and guides explaining this chapter and the regulations to  
18 facilitate compliance with and enforcement of the regulations;

19 (3) Prepare reports and studies to advance the purpose of this chapter;

20 (4) Provide consultation and technical assistance, as requested, to assist licensees in  
21 maintaining compliance; and

22 (5) Refer to the advisory council for children and families for advice and consultation on  
23 licensing matter.

24 (g) The department may promulgate rules and regulations for the establishment of child  
25 day care centers located on the second floor.

26 (h) When the department is otherwise unsuccessful in remedying noncompliance with the  
27 provisions of this chapter and the regulations promulgated under it, it ~~shall~~ [may](#) petition the family  
28 court for an order enjoining the noncompliance or for any order that equity and justice may require.

29 (i) The department shall collaborate with the departments of human services, elementary  
30 and secondary education, and health to provide monitoring, mentoring, training, technical  
31 assistance, and other services which are necessary and appropriate to improving the quality of child  
32 care offered by child care providers who are certified, licensed, or approved by the department or  
33 the department of elementary and secondary education or who are seeking certification, licensure,  
34 or approval pursuant to § 42-72-1 or § 16-48-2, including non-English speaking providers.

1 (j) The department shall adopt, amend, and rescind regulations in the same manner as set  
2 forth above in order to permit the placement of a pregnant minor in a group residential facility  
3 which provides a shelter for pregnant adults as its sole purpose.

4 **42-72.1-6. Violations, suspensions and revocations of license.**

5 (a) When a licensee violates the terms of the license, the provisions of this chapter, or any  
6 regulation thereunder, the department may pursue the administrative remedies herein provided,  
7 [including the assessment of administrative penalties under the provisions of § 42-72.11 of this](#)  
8 [chapter relating to licensed child care centers, family child care homes, and group family child care](#)  
9 [homes](#), in addition to other civil or criminal remedies according to the general laws.

10 (b) After notice and hearing, as provided by the Administrative Procedures Act, chapter 35  
11 of title 42, the administrator may revoke the license, or suspend the license for a period not  
12 exceeding six (6) months.

13 (c) During a suspension, the agency, facility or program shall cease operation.

14 (d) To end a suspension, the licensee shall, within thirty (30) days of the notice of  
15 suspension, submit a plan of corrective action to the administrator. The plan shall outline the steps  
16 and timetables for immediate correction of the areas of noncompliance and is subject to the  
17 approval of the administrator.

18 (e) At the end of the suspension, the administrator may reinstate the license for the term of  
19 the original license, revoke the license, issue a new license, or deny a reapplication.

20 (f) Upon revocation, the licensed agency, program or facility shall cease operation. The  
21 licensee whose license has been revoked may not apply for a similar license within a three (3) year  
22 period from the date of revocation.

23 [\(g\) Except in those instances wherein there is a determination that there exists a danger to](#)  
24 [the public health, safety, or welfare or there is a determination that the child care provider has](#)  
25 [committed a serious breach of State law, orders, or regulation, the director shall utilize progressive](#)  
26 [penalties for noncompliance of any rule, regulation or order relating to child care providers.](#)  
27 [Progressive penalties could include written notice of noncompliance, education and training,](#)  
28 [suspending enrollment to the program, assessing fines, suspension of license, and revocation of](#)  
29 [license.](#)

30 SECTION 6. Title 42 of the General Laws entitled "State Affairs and Government" is  
31 hereby amended by adding thereto the following chapter:

32 [CHAPTER 42-72.11](#)

33 [ADMINISTRATIVE PENALTIES FOR CHILD CARE LICENSING VIOLATIONS](#)

34 **42-72.11-1. Definitions.**

1 As used in this chapter, the following words, unless the context clearly requires otherwise,  
2 shall have the following meanings:

3 (1) "Administrative penalty" means a monetary penalty not to exceed the civil penalty  
4 specified by statute or, where not specified by statute, an amount not to exceed five hundred dollars  
5 (\$500).

6 (2) "Director" means the director of the department of children, youth and families or his  
7 or her duly authorized agent.

8 (3) "Person" means any public or private corporation, individual, partnership, association,  
9 or other entity that is licensed as a child care center, family child care home, group family child  
10 care home or any officer, employee or agent thereof.

11 (4) "Citation" means a notice of an assessment of an administrative penalty issued by the  
12 director or his or her duly authorized agent.

13 **42-72.11-2. Authority of director to assess penalty.**

14 The director may assess an administrative penalty on a person who fails to comply with  
15 any provision of any rule, regulation, order, permit, license, or approval issued or adopted by the  
16 director, or of any law which the director has the authority or responsibility to enforce.

17 **42-72.11-3. Notice of violation and assessment of penalty.**

18 (a) Whenever the director seeks to assess an administrative penalty on any person, the  
19 director shall cause to be served upon the person, either by service, in hand, or by certified mail,  
20 return receipt requested, a written notice of its intent to assess an administrative penalty which shall  
21 include:

22 (1) A concise statement of the alleged act or omission for which the administrative penalty  
23 is sought to be assessed;

24 (2) Each law, rule, regulation, or order which has not been complied with as a result of the  
25 alleged act or omission;

26 (3) The amount which the director seeks to assess as an administrative penalty for each  
27 alleged act or omission;

28 (4) A statement of the person's right to an adjudicatory hearing on the proposed assessment;

29 (5) The requirements the person must comply with to avoid being deemed to have waived  
30 the right to an adjudicatory hearing; and

31 (6) The manner of payment thereof if the person elects to pay the penalty and waive an  
32 adjudicatory hearing.

33 **42-72.11-4. Right to adjudicatory hearing.**

34 (a) Whenever the director seeks to assess an administrative penalty on any person the

1 person shall have the right to an adjudicatory hearing under chapter 35 of this title, the provisions  
2 of which shall apply except when they are inconsistent with the provisions of this chapter.

3 (b) A person shall be deemed to have waived his or her right to an adjudicatory hearing  
4 unless, within ten (10) days of the date of the director's notice that he or she seeks to assess an  
5 administrative penalty, the person files with the director a written statement denying the occurrence  
6 of any of the acts or omissions alleged by the director in the notice, or asserting that the money  
7 amount of the proposed administrative penalty is excessive. In any adjudicatory hearing authorized  
8 pursuant to chapter 35 of title 42, the director shall, by a preponderance of the evidence, prove the  
9 occurrence of each act or omission alleged by the director.

10 (c) If a person waives his or her right to an adjudicatory hearing, the proposed  
11 administrative penalty shall be final immediately upon the waiver.

12 **42-72.11-5. Judicial review.**

13 (a) If an administrative penalty is assessed at the conclusion of an adjudicatory hearing the  
14 administrative penalty shall be final upon the expiration of thirty (30) days if no action for judicial  
15 review of the decision is commenced pursuant to chapter 35 of this title.

16 (b) The family court shall have exclusive jurisdiction to review all appeals filed under this  
17 chapter.

18 **42-72.11-6. Determination of administrative penalty.**

19 Prior to the imposition of an administrative penalty, the department shall complete a risk  
20 and safety analysis and the director shall consider the following:

21 (1) The actual and potential impact on health, safety and welfare of children impacted the  
22 alleged noncompliance;

23 (2) Whether the person being assessed the administrative penalty took steps to prevent  
24 noncompliance, and to promptly come into compliance;

25 (3) Whether the person being assessed the administrative penalty has previously failed to  
26 comply with any rule, regulation, or order issued or adopted by the director, or any law which the  
27 director has the authority to enforce;

28 (4) Deterring future noncompliance;

29 (5) Eliminating the economic advantage of noncompliance;

30 (6) Consistency with state and/or federal statute for a similar violation or failure to comply;

31 (7) Any other factor(s) that may be relevant in determining the amount of a penalty,  
32 provided that the other factors shall be set forth in the written notice of assessment of the penalty;

33 and

34 (8) The public interest.

1           **42-72.11-7. Limitations on amount of penalty.**

2           The administrative penalty shall be not more than five hundred dollars (\$500) for each  
3 investigation or failure to comply unless a different amount is authorized by statute as a civil penalty  
4 for the subject violation.

5           **42-72.11-8. Rules and regulations.**

6           No administrative penalty shall be assessed by the director pursuant to this chapter until  
7 the director has promulgated rules and regulations for assessing administrative penalties in  
8 accordance with the provisions of chapter 35 of this title.

9           **42-72.11-9. Severability.**

10           If any provision of this chapter or the application thereof to any person or circumstances is  
11 held invalid, that invalidity shall not affect other provisions or applications of the chapter, which  
12 can be given effect without the invalid provision or application, and to this end the provisions of  
13 this chapter are declared to be severable.

14           SECTION 7. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled “Child  
15 Care – State Subsidies” is hereby amended to read as follows:

16           **40-6.2-1.1. Rates established.**

17           (a) Through June 30, 2015, subject to the payment limitations in section (b), the maximum  
18 reimbursement rates to be paid by the departments of human services and children, youth and  
19 families for licensed child care centers and ~~certified~~ licensed family-child care providers shall be  
20 based on the following schedule of the 75th percentile of the 2002 weekly market rates adjusted for  
21 the average of the 75th percentile of the 2002 and the 2004 weekly market rates:

|    |                             |                                       |
|----|-----------------------------|---------------------------------------|
| 22 | LICENSED CHILD CARE CENTERS | 75th PERCENTILE OF WEEKLY MARKET RATE |
| 23 | INFANT                      | \$182.00                              |
| 24 | PRESCHOOL                   | \$150.00                              |
| 25 | SCHOOL-AGE                  | \$135.00                              |
| 26 | CERTIFIED FAMILY CHILD CARE | 75th PERCENTILE OF WEEKLY MARKET RATE |
| 27 | CHILD CARE PROVIDERS        |                                       |
| 28 | INFANT                      | \$150.00                              |
| 29 | PRESCHOOL                   | \$150.00                              |
| 30 | SCHOOL-AGE                  | \$135.00                              |

31           Effective July 1, 2015, subject to the payment limitations in subsection (b), the maximum  
32 reimbursement rates to be paid by the departments of human services and children, youth and  
33 families for licensed child care centers and ~~certified~~ licensed family-child care providers shall be  
34 based on the above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the

1 average of the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be  
2 increased by ten dollars (\$10.00) per week for infant/toddler care provided by ~~certified~~ licensed  
3 family-child care providers and license-exempt providers and then the rates for all providers for all  
4 age groups shall be increased by three percent (3%). For the fiscal year ending June 30, 2018,  
5 licensed child care centers shall be reimbursed a maximum weekly rate of one hundred ninety-three  
6 dollars and sixty-four cents (\$193.64) for infant/toddler care and one hundred sixty-one dollars and  
7 seventy-one cents (\$161.71) for pre-school age children.

8 (b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the  
9 maximum infant/toddler and pre-school age reimbursement rates to be paid by the departments of  
10 human services and children, youth and families for licensed child care centers shall be  
11 implemented in a tiered manner, reflective of the quality rating the provider has achieved within  
12 the state's quality rating system outlined in § 42-12-23.1.

13 (1) For infant/toddler child care, tier one shall be reimbursed two and one-half percent  
14 (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above  
15 the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY  
16 2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly  
17 amount, and tier five shall be reimbursed thirty-three percent (33%) above the FY 2018 weekly  
18 amount.

19 (2) For pre-school reimbursement rates, the tier one shall be reimbursed two and one-half  
20 (2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%)  
21 above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY  
22 2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018  
23 weekly amount, and tier five shall be reimbursed twenty-one percent (21%) above the FY 2018  
24 weekly amount.

25 ~~(b)~~(c) The departments shall pay child care providers based on the lesser of the applicable  
26 rate specified in subsection (a), or the lowest rate actually charged by the provider to any of its  
27 public or private child care customers with respect to each of the rate categories, infant, preschool  
28 and school-age.

29 ~~(e)~~(d) By June 30, 2004 and biennially through June 30, 2014, the department of labor and  
30 training shall conduct an independent survey or certify an independent survey of the then current  
31 weekly market rates for child care in Rhode Island and shall forward such weekly market rate  
32 survey to the department of human services. The next survey shall be conducted by June 30, 2016,  
33 and triennially thereafter. The departments of human services and labor and training will jointly  
34 determine the survey criteria including, but not limited to, rate categories and sub-categories.

1           ~~(d)~~(e) In order to expand the accessibility and availability of quality child care, the  
2 department of human services is authorized to establish by regulation alternative or incentive rates  
3 of reimbursement for quality enhancements, innovative or specialized child care and alternative  
4 methodologies of child care delivery, including non-traditional delivery systems and  
5 collaborations.

6           ~~(e)~~(f) ~~On or before~~ Effective January 1, 2007, all child care providers have the option to be  
7 paid every two (2) weeks and have the option of automatic direct deposit and/or electronic funds  
8 transfer of reimbursement payments.

9           SECTION 8. Chapter 42-102 of the General Laws entitled "Governor's Workforce Board  
10 Rhode Island" is hereby amended by adding thereto the following section:

11           **42-102-10.1. Career opportunities for young adults.**

12           (a) The department of labor and training, governor's workforce board, and department of  
13 children, youth and families shall work collaboratively to ensure that each young adult, as defined  
14 in § 14-1-3 of the general laws, shall upon request by the young adult, receive a vocational  
15 assessment and shall have access to all appropriate job training programs and eligible services.

16           (b) For those young adults who desire to participate in job training programs as part of their  
17 permanency plan to achieve independence and self-sufficiency, the department of labor and  
18 training, governor's workforce board, and department of children, youth and families shall work  
19 collaboratively to devise an individual employment plan suitable to the talents and abilities of the  
20 young adult determine which additional specialized workforce and supportive services may be  
21 necessary to accomplish the goals of the plan and provide the additional services as needed.

22           (c) The governor's workforce board, in conjunction with the department of labor and  
23 training, shall develop and expand career pathways, job training programs, and employment  
24 services for young adults as defined in § 14-1-3 of the general laws.

25           (d) The department of labor and training, governor's workforce board, and department of  
26 children, youth and families shall track movement of these young adults into the workforce, and  
27 will publish an annual report on outcomes to the governor, the general assembly and the family  
28 court.

29           (e) Programs and resources shall be contingent upon available funding.

30           SECTION 9. This Article shall take effect upon passage.

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**ARTICLE 16**

RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS

SECTION 1. This article shall serve as joint resolution required pursuant to Rhode Island General Law § 35-18-1, et seq.

SECTION 2. *University of Rhode Island - Repaving, Hardscape & Landscape*

WHEREAS, The Rhode Island Council on Postsecondary Education is proposing a project which involves the re-pavement and reconstruction of major parking facilities, internal roadways, and walkways and associated infrastructure on the University's Kingston, Narragansett Bay, and W. Alton Jones; and

WHEREAS, The University has made progress in the improvement of its extensive inventory of paved surfaces on its Campuses, the scope of repaving and reconstruction of major parking facilities, internal roadways, and walkways and associated infrastructure is substantial and ongoing; and

WHEREAS, A recent Transportation and Parking Master Plan recommends the redevelopment of campus roadways into "complete streets" allowing safe travel for pedestrians, cyclists, vehicles and other modes of travel; and

WHEREAS, The design and execution of this Master Plan will improve the campus's environmental impact; and

WHEREAS, These timely project commitments serve the objectives of both the University and the local community; and

WHEREAS, The Rhode Island Public Corporation Debt Management Act requires the General Assembly to provide its consent to the issuance or incurring by the State of Rhode Island and other public agencies of certain obligations including financing guarantees or other agreements; and

WHEREAS, The design and paving work will be financed through Rhode Island Health and Educational Building Corporation revenue bonds, with an expected term of twenty (20) years; and

WHEREAS, The project costs associated with completion of the project and proposed financing method is eleven million dollars (\$11,000,000), including cost of issuance. Debt Service payments would be supported by both University's unrestricted general revenues and enterprise

1 funding from the University of Rhode Island Parking Services operation. Total debt service on the  
2 bonds is not expected to exceed eight hundred eighty three thousand dollars (\$883,000) annually  
3 and seventeen million six hundred sixty thousand dollars (\$17,660,000) in the aggregate based on  
4 an average interest rate of five percent (5%); now, therefore be it

5 RESOLVED, That this General Assembly hereby approves financing in an amount not to  
6 exceed eleven million dollars (\$11,000,000) for the Repaving, Hardscape & Landscape project at  
7 the University of Rhode Island; and be it further

8 RESOLVED, That this joint resolution shall apply to bonds issued within five (5) years of  
9 the date of passage of this resolution; and be it further

10 RESOLVED, That this joint resolution shall take effect upon passage by this General  
11 Assembly.

12 SECTION 3. *University of Rhode Island – Utility Infrastructure Upgrade Phase I*

13 WHEREAS, The Council on Postsecondary Education and the University of Rhode Island  
14 are proposing a project which involves the engineering and construction of upgrades and  
15 component replacements to five municipal-level Kingston Campus utility systems; and

16 WHEREAS, The University has engaged qualified engineering firms to examine its major  
17 infrastructure systems; and

18 WHEREAS, Based on the condition and capabilities of these systems, the studies have  
19 concluded that replacement of components and reconfiguration was advisable for each of these  
20 extensive systems to ensure necessary steam, water, sanitary and electrical support for the next 20-  
21 40 years; and

22 WHEREAS, The University has also developed the required Storm Water Management  
23 Plan for the Kingston Campus, which provides guidelines that are being incorporated into new  
24 building projects under development and are driving stand-alone storm water infrastructure projects  
25 as well; and

26 WHEREAS, The University has successfully completed many extremely important  
27 individual utility infrastructure projects in its continuing progression of work to upgrade and  
28 replace infrastructure systems within the Kingston Campus but now needs dedicated investments  
29 beyond annual capital resources; and

30 WHEREAS, This project is the first phase in a phased implementation plan to upgrade and  
31 improve the reliability of the University of Rhode Island's Kingston campus infrastructure; and

32 WHEREAS, The utility infrastructure work will be financed through Rhode Island Health  
33 and Educational Building Corporation revenue bonds, with an expected term of twenty (20) years;  
34 and

1           WHEREAS, The total project costs associated with completion of this project and proposed  
2 financing method is six million five hundred thousand dollars (\$6,500,000), including cost of  
3 issuance. Debt service payments would be supported by revenues derived from the University's  
4 unrestricted general revenues. Total debt service on the bonds is not expected to exceed five  
5 hundred twenty two thousand dollars (\$522,000) annually and ten million four hundred forty  
6 thousand dollars (\$10,440,000) in the aggregate based on an average interest rate of five (5%)  
7 percent; now, therefore be it

8           RESOLVED, That this General Assembly hereby approves financing in an amount not to  
9 exceed six million five hundred thousand dollars (\$6,500,000) for the Utility Infrastructure  
10 Upgrade Phase I project at the University of Rhode Island; and be it further

11           RESOLVED, That this joint resolution shall apply to bonds issued within five (5) years of  
12 the date of passage of this resolution; and be it further

13           RESOLVED, That this joint resolution shall take effect upon passage by this General  
14 Assembly.

15           SECTION 4. *University of Rhode Island – Fire Safety & Protection – Auxiliary Enterprise*  
16 *Buildings Phase Two*

17           WHEREAS, The Council on Postsecondary Education and the University of Rhode Island  
18 are proposing a project which involves the installation of upgraded fire alarm and sprinkler systems  
19 as well as life safety improvements in auxiliary enterprise buildings, in accordance with the State  
20 Fire Code; and

21           WHEREAS, The Council on Postsecondary Education and the University have a long  
22 standing commitment to the improvement and maintenance of fire safety conditions in all of the  
23 buildings under their responsibility; and

24           WHEREAS, The University has already completed extensive fire safety improvements  
25 during the Fire Safety & Protection – Auxiliary Enterprise Buildings Phase One; and

26           WHEREAS, The University engaged a qualified fire code compliance engineering firm to  
27 examine all of its occupied buildings and the firm has recommended fire safety improvements  
28 needed to satisfy the Rhode Island Fire Code; and

29           WHEREAS, There remains fire safety compliance investments, identified by the  
30 University's fire compliance engineering firm, in its Auxiliary Enterprise building complement that  
31 the University is prepared to advance; and

32           WHEREAS, The Rhode Island Public Corporation Debt Management Act requires the  
33 General Assembly to provide its consent to the issuance or incurring by the State of Rhode Island  
34 and other public agencies of certain obligations including financing guarantees or other agreements;

1 and

2 WHEREAS, The design and construction associated with this fire safety compliance work  
3 in Auxiliary Enterprise buildings will be financed through the Rhode Island Health and Educational  
4 Building Corporation (RIHEBC) revenue bonds, with an expected term of twenty (20) years; and

5 WHEREAS, The total project costs associated with completion of the project and proposed  
6 financing method is two million three hundred thousand dollars (\$2,300,000), including cost of  
7 issuance. Debt service payments would be supported by revenues derived from student fees  
8 associated with the respective Auxiliary Enterprises of the University of Rhode Island occupying  
9 said facilities. Total debt service on the bonds is not expected to exceed one hundred eighty five  
10 thousand dollars (\$185,000) annually and three million seven hundred thousand dollars  
11 (\$3,700,000) in the aggregate based on an average interest rate of five (5%) percent; now, therefore  
12 be it

13 RESOLVED, That this General Assembly hereby approves financing in an amount not to  
14 exceed two million three hundred thousand dollars (\$2,300,000) for the fire safety and protection  
15 project for the auxiliary enterprise buildings on the University of Rhode Island campus; and be it  
16 further

17 RESOLVED, That this joint resolution shall apply to bonds issued within five (5) years of  
18 the date of passage of this resolution; and be it further

19 RESOLVED, That this joint resolution shall take effect upon passage by this General  
20 Assembly.

21 SECTION 5. *Eleanor Slater Hospital Project-Regan Building Renovation*

22 WHEREAS, The Eleanor Slater Hospital (the "Hospital") provides long-term acute care  
23 and post-acute care for approximately two hundred twenty (220) individuals with complex  
24 psychiatric and medical needs on two campuses - Pastore and Zambarano; and

25 WHEREAS, The Hospital is licensed by the Rhode Island Department of Health  
26 ("RIDOH") and accredited triennially by the Joint Commission for the Accreditation of Health Care  
27 Organizations ("JCAHO") that enables it to bill Medicare, Medicaid, and commercial insurances  
28 for the care it provides; and

29 WHEREAS, The revenue the Hospital can bill Medicare, Medicaid, and other insurers  
30 approximates \$55.0 million annually; and

31 WHEREAS, On the Pastore campus the patients who have psychiatric needs are currently  
32 in three buildings (Pinel, Regan and Adolph Meyer) that are older buildings that have not been  
33 updated in many years; and

34 WHEREAS, In January 2017, the Center for Medicare and Medicaid Services ("CMS")

1 published new standards designed to address the increased number of suicides and suicide attempts  
2 in hospitals; such standards required significant renovations to reduce ligature risks on inpatient  
3 psychiatric units; and

4 WHEREAS, In September 2017, JCAHO performed its triennial survey, identified  
5 significant ligature risks at the Pinel and the Adolph Meyer Buildings and as a result, gave the  
6 Hospital a rating of Immediate Threat to Life, requiring it to submit a long-term plan to address the  
7 ligature risks in both buildings; and

8 WHEREAS, The Pinel and the Adolph Meyer Buildings currently do not meet JCAHO  
9 and CMS requirements and a loss of accreditation for not meeting the submitted plan could lead to  
10 the loss of approximately \$55.0 million in federal Medicaid match; and

11 WHEREAS, The Hospital submitted to JCAHO a plan to renovate the Benton Center and  
12 the Regan Building, and to close the Pinel and Adolph Meyer Buildings, thus enabling it to achieve  
13 full accreditation; and

14 WHEREAS, A renovation of the existing Pinel and Adolph Meyer Buildings would not be  
15 financially beneficial due to the magnitude of renovations that would need to be performed on these  
16 buildings to allow the Hospital to achieve full accreditation; and

17 WHEREAS, The renovation of the Benton Center will be completed in June 2018, utilizing  
18 Rhode Island Capital Plan Fund financing, enabling the Hospital to close the Pinel Building and 2  
19 units in the Adolph Meyer Building and relocate approximately forty-five (45) psychiatric patients  
20 to Benton; and

21 WHEREAS, This will leave approximately fifty (50) to fifty-five (55) psychiatric patients  
22 remaining in the Adolph Meyer Building; and

23 WHEREAS, There are significant ligature risks that exist in Adolph Meyer and the current  
24 size of the units are twelve (12) to fifteen (15) beds sizes that are too small to be efficient in  
25 hospitals, while the size of the patient care units in Regan are twenty-four (24) to twenty-eight (28)  
26 beds - more typical of patient care units today; and

27 WHEREAS, Closing inefficient units in the Adolph Meyer Building will enable the  
28 Hospital to reduce operating costs and address the deficiencies cited by the JCAHO; and

29 WHEREAS, There are currently three (3) floors in the Regan Building that can house  
30 patients, one that is vacant, one currently with twenty-eight (28) psychiatric patients, and another  
31 with currently seventeen (17) medical patients; and whereas a fourth floor can be renovated into an  
32 inpatient unit; and

33 WHEREAS, To accommodate the remaining psychiatric patients in the Adolph Meyer  
34 Building, three (3) floors would require extensive renovations to meet the current building

1 standards for psychiatric inpatient units, including requirements for ligature resistant features,  
2 program areas, step down areas, quiet rooms, restraint rooms and private rooms that currently do  
3 not exist in the Regan or the Adolph Meyer Buildings; and

4 WHEREAS, The renovated facility would have a total of one hundred five (105) beds with  
5 larger inpatient units and program space within the units, thus enabling the Hospital to reduce  
6 operating costs and develop programs to assist patients in their recovery and ultimate discharge;  
7 and

8 WHEREAS, Due to its age, the Regan Building requires significant infrastructure upgrades  
9 including: elevator replacement, masonry and window leak repair, and a partial roof replacement  
10 with an estimated total cost of nine million dollars (\$9,000,000); and

11 WHEREAS, The capital costs associated with this project are estimated to be forty-nine  
12 million, eight hundred fifty thousand dollars (\$49,850,000). This includes \$27,850,000 from the  
13 Rhode Island Capital Plan Fund for the renovation of the Benton and Regan Buildings and  
14 \$22,000,000 from the issuance of Certificates of Participation to finance the Regan Building  
15 renovations. The total issuance would be \$22,000,000, with total lease payments over fifteen (15)  
16 years on the \$22,000,000 issuance projected to be \$32,900,000, assuming an average coupon of  
17 five percent (5.0%). The lease payments would be financed within the Department of  
18 Administration from general revenue appropriations; now, therefore be it

19 RESOLVED, That a renovation of the Regan Building as part of Eleanor Slater Hospital,  
20 is critical to provide patients with an environment that meets current building standards for  
21 psychiatric hospitals and to meet CMS and JCAHO accreditation requirements; and be it further

22 RESOLVED, This General Assembly hereby approves the issuance of certificates of  
23 participation in an amount not to exceed \$22,000,000 for the renovation of the Regan Building,  
24 part of the Eleanor Slater Hospital; and be it further

25 RESOLVED, That this joint resolution shall apply to bonds issued within five (5) years of  
26 the date of passage of this resolution; and be it further

27 RESOLVED, That this joint resolution shall take effect upon passage by this General  
28 Assembly.

29 SECTION 6. This article shall take effect upon passage.  
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## **ARTICLE 17**

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### RELATING TO EFFECTIVE DATE

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SECTION 1. This Act shall take effect as of July 1, 2018, except as otherwise provided

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herein.

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SECTION 2. This Article shall take effect upon passage.

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